

# Shire of West Arthur

## Register of Delegations and Appointments



*Forest to Wheatbelt*

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## OFFICER DELEGATION MATRIX

DELG. NO	DELEGATION DESCRIPTIONS	CEO	MCS	MWS	MFR	Other Officer Delegation
2.1	Closure of Streets, Thoroughfares, Control of Reserves & Unvested facilities	✓		✓		
2.2	Defer, Grant Discounts, Waive or Write Off Debts	✓	✓			
2.3	Execution of Documents	✓				
2.4	Disposing of Property	✓	✓	✓		
2.5	Donations, Fee Reductions, and Sponsorships	✓	✓			
2.6	Expressions of Interest for Goods and Services	✓	✓	✓		
2.7	Financial Hardship	✓	✓			
2.8	Impounding Abandoned Vehicles and Goods	✓		✓		
2.9	Investment of Surplus Funds	✓	✓			
2.10	Obstruction of Thoroughfares	✓		✓		
2.11	Payments from the Municipal or Trust Funds	✓	✓	✓	✓	
2.12	Private Property and Thoroughfares	✓		✓		
2.13	Property & Rates - Recovery of Rates or Service Charges	✓	✓			
2.14	Property & Rates - Rate Record - Objections	✓	✓			
2.15	Property & Rates - Group Values on Contiguous Land	✓	✓			
2.16	Roads – Heavy Vehicle Access	✓		✓		
2.17	Tenders for Goods and Services – Call Tenders	✓	✓	✓		
2.18	Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options	✓	✓	✓		
2.19	Tenders for Goods and Services - Exempt Procurement	✓	✓	✓		
2.20	<del>Legal Representation and Cost Indemnification</del>	<del>✓</del>				
2.21	Street Stalls/Appeals	✓				
2.22	Building Act & Regulations – Powers, Duties & Functions	✓				
2.23	Building Act & Regulations – Occupancy Permits and Building Approval Certificates for Strata Plans & Survey Strata Plans	✓				
2.24	Bush Fires Act – General Delegation	✓				
2.25	Bush Fires Act – Prohibited Burning Times	✓				

DELG. NO	DELEGATION DESCRIPTIONS	CEO	MCS	MWS	Other Officer Delegation
2.26	Bush Fires Act – Variations to Fire Break Orders	✓			
2.27	Bush Fires Act – Restricted Burning Times and other matters	✓			
2.28	Cat Act – Duties and Functions	✓			
2.29	Dog Act – Duties and Functions	✓			Shire Ranger
2.30	Food Act – Prohibition Orders	✓			
2.31	Food Act – Food Business Registrations	✓			
2.32	Food Act – Appoint Authorised Officers and Designated Officers	✓			
2.33	Town Planning	✓			
2.34	Local Laws	✓	✓	✓	
2.35	Liquor Control Act – Certificate of Compliance (Liquor Permit)	✓			
2.36	Graffiti Vandalise Act – General Delegation	✓		✓	
2.37	Wildflowers, Leaves and Branches, and Seed Harvesting from Reserves	✓	✓		
2.38	Legislation – Appointment of Authorised Person	✓	✓		
3.0	<b>DELEGATIONS FROM CEO TO ANOTHER EMPLOYEE</b>				
3.1	Destruction of Electoral Papers	✓	✓		
3.2	Determine if an Emergency Exists	✓	✓	✓	
3.3	Electoral Enrolment Eligibility Claims and Electoral Roll	✓	✓		
3.4	Financial Management Systems and Procedures	✓	✓		
3.5	Information to be Available to the Public	✓	✓		
3.6	Infringement Notices	✓	✓		Shire Ranger
4.0	<b>STATUTORY AUTHORISATIONS AND DELEGATIONS TO LOCAL GOVERNMENT FROM STATE GOVERNMENT ENTITIES</b>				
4.1	Noise Control – Environmental Protection Notices [Reg.65(1)]	✓			
4.2	Noise Management Plans – Keeping Logbooks, Noise Control Notices, Calibration and Approval of Non-Complying Events	✓			
4.3	Noise Management Plans – Construction Sites	✓			
4.4	Instrument of Authorisation – Local Government CEOs - Sign Development Applications for Crown Land as Owner	✓			
4.5	Traffic Management - Events on Roads	✓			
4.6	Traffic Management – Road Works	✓			
4.7	Approval for Certain Local Government Vehicles as Special Use Vehicles	✓			

## AMENDMENT RECORD

ACTION	DATE	COUNCIL RESOLUTION	ACTION DETAILS
Amendment	28/09/23	CO-2023-099	2.11 – Payments from the Municipal or Trust Funds
Amendment	23/11/23	CO-2023-146	2.33 – Town Planning
Amendment	22/02/24	CO-2024-008	2.34 – Administration and Appointment of Authorised Persons
Adoption	22/02/24	CO-2024-008	2.37 – Wildflowers, Leaves and Branches, and Seed Harvesting from Reserves
Adoption	22/02/24	CO-2024-008	2.38 – Legislation Appointment of Authorised Person
Amendment	18/04/24	CO-2024-047	2.5 – Donations, Fee Reductions, and Sponsorships
Revocation	18/04/24	CO-2024-048	2.20 – Legal Representation and Cost Indemnification

## Introduction

This Register includes:

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

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

The Register includes instruments of sub delegation, and appointments, which do not need to be adopted/approved by Council. They are included to reflect a “one stop shop” approach.

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

Clause – of the Shire of West Arthur Local Planning Scheme No. 2 referenced by ‘cl’, as in cl8.2.1.

Employee – refers to an employee of the Shire of West Arthur. It should be noted although the Chief Executive Officer may generally only delegate a function or duty to an employee (s5.44 Local Government Act 1995 and others), any ‘person’ may be appointed an Authorised Person (although some Acts, such as the Building Act 2011 and Health Act 1911 require only employees or certain qualified employees to be ‘authorised’ or ‘appointed’). Thus, care needs to be taken to ensure that contractors are not ‘delegated’ functions or duties, although they may be appointed as Authorised Persons.

Regulation – subordinate legislation, referenced by ‘r’, as in r22.

Schedule – to an Act, referenced as ‘Sch’, as in Sch 3.2.

Section - of an Act, referenced by ‘s’, as in s5.42.

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

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

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

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

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

This Register describes:

- the ‘head of power’ for the exercise of delegation to an elected member, employee, or person,

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

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

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

Most delegations and sub delegations described in this Register originate under the Local Government Act 1995 which permits a local government (by absolute majority decision under s5.42(1)) to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act except those listed in s5.43, which are:

- any power or duty that requires a decision of an absolute majority or special majority of the local government,
- accepting a tender which exceeds an amount determined by the local government,
- appointing an auditor,
- acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government,
- any of the local government’s powers under s5.98, 5.98A, s5.99, s5.99A and s5.100 of the Act,
- borrowing money on behalf of the local government,
- hearing or determining an objection of a kind referred to in s9.5 of the Act,
- the power under s9.49A(4) of the Act to authorise a person to sign documents on behalf of the local government,
- any power or duty that requires the approval of the Minister or the Governor.

In addition, there are several other matters which cannot be delegated to the CEO:

- under r18G of the Local Government (Administration) Regulations and s7.12a, 7.12A(3)(a) and s7.12(4), which relate to meetings with auditors,
- matters covered by the CEO Standards, adopted by Council and which relate to the recruitment and performance management of the Chief Executive Officer
- under r16 of the Local Government (Financial Management) Regulations which prevent the delegation of matters relating to internal audit to an employee who has been delegated the duty of maintaining the day-to-day accounts or financial management operations.

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



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

- *Animal Welfare Act 2002,*
- *Australian Citizenship Act 2007,*
- *Building Act 2011 and Building Regulations 2012*
- *Bush Fires Act 1954, regulations and local laws created under that Act,*
- *Cat Act 2011 and regulations*
- *Caravan Parks and Camping Grounds Act 1995,*
- *Control of Vehicles (Off-Road Areas) Act 1978 and regulations,*
- *Dog Act 1976 and regulations,*
- *Equal Employment Opportunity Act 1984,*
- *Environmental Protection Act 1986,*
- *Food Act 2008,*
- *Freedom of Information Act 1992,*
- *Graffiti Vandalism Act 2016,*
- *Health (Miscellaneous Provisions) Act 1911 regulations and local laws created under that Act,*
- *Health (Asbestos) Regulations 1992,*
- *Land Administration Act 1997, and regulations,*
- *Litter Act 1979 and regulations,*
- *Local Government (Miscellaneous Provisions) Act 1960,*
- *Parks and Reserves Act 1895,*
- *Planning and Development Act 2005 including regulations, policies, and the Town Planning Scheme,*
- *Public Interest Disclosure Act 2003,*
- *Public Health Act 2016,*
- *Rates and Charges (Rebates and Deferments) Act 1982,*
- *Road Traffic Act 1974,*
- *Strata Titles Act 1985*

The Shire of West Arthur Local Planning Scheme No 2 permits delegation by Council to employees (rather than via the CEO as per the Local Government Act). Accordingly, the process defined by the Town Planning Scheme for delegating authority and duties is utilised.

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

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

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

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

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

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

The record is to contain information on:

- how the person exercised the power or discharged the duty,
- when the person exercised the power or discharged the duty; and
- the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty (r19 *Local Government (Administration) Regulations 1996*)

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

Similar provisions do not exist under other legislation regarding record keeping (except for the Building Act 2011).

The CEO has determined that in relation to all record keeping of the exercise of delegated authority under legislation other than the Local Government Act 1995 that the provisions of the latter will apply and the same record keeping approach as required under the Local Government Act will be applied.

These requirements will be applied as an administrative instruction from the CEO.

A person to whom a duty or power is delegated under the Local Government Act 1995 is a 'designated employee' under s5.74(b) of the Act and is required to:

- disclose relevant interests s5.70 LGA
- complete a Primary Return s5.75 LGA
- complete Annual Returns s5.76 LGA

Although these requirements relate only to delegations under the Local Government Act 1995 and not any other Acts, the Council and the CEO have taken the decision to require compliance with those provisions, even when made under other Acts, to ensure all employees are treated equally in such disclosures.

A delegation has prepared in this Register to give effect to this approach, with the CEO delegated authority to nominate employees as "designated employees".

The Local Government Act recognises that employees do not always need delegations (or sub delegations) to carry out their tasks and functions on behalf of the Shire - s5.45 (2):

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

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

The key difference between a delegation and 'acting through' is that a delegate exercises the delegated decision-making function in his or her own right.

Thus, an employee may pay an account or issue an approval if directed to do so by another employee who has the authority to make such a decision and chooses to 'act through' another employee.

The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the 'acting through' concept.

Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.

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

## Delegations

Delegation Title:	2.1 Closure of Streets, Thoroughfares, Control of Reserves & Unvested Facilities
Express Power to Delegate:	<p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p> <p>s.5.43 Limitations on delegations to the CEO</p>
Express Power or Duty Delegated:	<p><i>Local Government Act 1995:</i></p> <p>s.3.50 Closing certain thoroughfares to vehicles</p> <p>s.3.50 A Partial closure of thoroughfare for repairs or maintenance</p> <p>s.3.51 Affected owners to be notified of certain proposals</p>
Delegate:	Chief Executive Officer
<p><b>Function:</b></p> <p><i>This is a precis only.</i></p> <p><i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	<ol style="list-style-type: none"> <li>1. The Chief Executive Officer is delegated authority to exercise the powers and discharge the duties of the Shire regarding closing certain thoroughfares to vehicles and partial closure of thoroughfare for repairs or maintenance and temporary closures (including revocation of Orders) for events in accordance with s.3.50, 3.50(1), 3.50(1a), 3.50(4), 3.50(5), 3.50(6), 3.50A <i>Local Government Act</i>, r6(3) <i>Local Government (Functions and General) Regulations 1996</i>, S81(c)(2)(b) <i>Road Traffic Act 1974</i> and <i>Road Traffic (Events on Roads) Regulations 1991</i> (where relevant).</li> <li>2. The Chief Executive Officer is delegated authority to give the required notices as specified in s.3.51(3) before fixing or altering the level of, or the alignment of a public thoroughfare and before draining water from a public thoroughfare or other public place onto adjoining land.</li> <li>3. The Chief Executive Officer is delegated authority to: <ul style="list-style-type: none"> <li>• Ensure that public thoroughfares are kept open for public use as required under s.3.52(2) of the Act.</li> <li>• In fixing or altering the level of, or the alignment of a public thoroughfare, ensure that access by vehicle to land adjoining the thoroughfare can be reasonably provided in accordance with s.3.52(3).</li> <li>• Keep plans of the levels and alignments of public thoroughfares that are under the Council's control or management and make those plans available for public inspection in accordance with s.3.52(4).</li> <li>• Control and manage otherwise unvested facilities within the Shire in accordance with s.3.53 of the Local Government Act 1995.</li> <li>• Control and manage land that is vested to the Shire in accordance with s.3.54 of the Local Government Act 1995.</li> <li>• Determine the construction of a crossing (vehicle crossover) giving access from a public thoroughfare to: <ul style="list-style-type: none"> <li>○ the land; or</li> </ul> </li> </ul> </li> </ol>

	<ul style="list-style-type: none"> <li>○ a private thoroughfare serving the land;</li> <li>• in accordance with r.12, 13 and 15 of the <i>Local Government (Uniform Provisions) Regulations 1996</i>.</li> <li>• Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].</li> </ul> <p>4. Determine helicopter landings on land under the care and control of the Shire, other than Shire designated airstrips when:</p> <ul style="list-style-type: none"> <li>• The area upon which the request to land is large enough to accommodate the helicopter safely;</li> <li>• The applicant being responsible for any damage caused by any landing;</li> <li>• All landings being conducted in a manner consistent with Civil Aviation Safety Authority Australia CAAP92-2(1) Guidelines for the establishment and use of helicopter landing sites (HLS); and</li> <li>• Any additional conditions that the Chief Executive Officer may wish to impose for safe operations.</li> </ul>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>1. Must comply with relevant policies</li> <li>2. Temporary closure of streets must not exceed 28 days.</li> <li>3. The Chief Executive Officer, or any employee sub delegated the authority must ensure any applicant has obtained relevant Police approval and provided appropriate indemnities and insurance cover.</li> <li>4. Where exercising powers and duties pursuant to s3.50, the following conditions apply: <ul style="list-style-type: none"> <li>• Sufficient measures are in place to advise affected parties, minimise disruption to road users and to protect public and Shire assets.</li> <li>• Have regard to the provisions of s.3.50(1).</li> </ul> </li> <li>5. 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)].</li> <li>6. Limited to matters where the financial implications do not exceed a relevant and current budget allocation, and which do not create a financial liability in future budgets.</li> <li>7. The permanent closure of thoroughfares is to be referred to Council for determination.</li> <li>8. Permission may only be granted where, the proponent has: <ul style="list-style-type: none"> <li>• Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works.</li> <li>• Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works.</li> </ul> </li> </ol>

	<ul style="list-style-type: none"> <li>• Provided evidence of sufficient Public Liability Insurance.</li> <li>• Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ul>
<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>	<b>Manager Works &amp; Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<i>Compliance Links:</i>	<i>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</i>
<i>Record Keeping:</i>	<i>In accordance with r19 Local Government (Administration) Regulations 1996</i>

#### Version Control

Adoption by Council 12 April 2022
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Delegation Title:	2.2 Defer, Grant Discounts, Waive or Write Off Debts
<b>Express Power to Delegate:</b>	<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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	The Chief Executive Officer is delegated authority to exercise the powers and duties of the local government in respect to: 1. Waive a debt which is owed to the Shire [s.6.12(1)(b)]. 2. Grant a concession in relation to money which is owed to the Shire [s.6.12(1)(b)]. 3. Write off an amount of money which is owed to the Shire [s.6.12(1)(c)].
<b>Council Conditions on this Delegation:</b>	1. Write-off a rates or service charge debt up to \$200 in accordance with the Financial Hardship Policy [s.6.12(1)(c) & (2)]. 2. A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire. <ul style="list-style-type: none"> <li>Limited to individual debts valued below \$500 or cumulative debts of a debtor valued below \$500. Write off of debts greater than these values must be referred for Council decision.</li> </ul> 3. Despite other indications in this delegation, where the proposed donation is considered by the Chief Executive Officer to be of a contentious nature, a decision on a proposed donation is to be determined by the Council.
<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>	<b>Manager Corporate Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<i>Compliance Links:</i>	<i>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</i>
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

**Version Control:**

Adoption by Council 12 April 2022
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Delegation Title:	2.3 Execution of Documents
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p> <p>s.5.43 Limitations on delegations to the CEO</p>
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995 S9.49</i>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<p><b>Function:</b></p> <p><i>This is a precis only.</i></p> <p><i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	<p>Pursuant to s5.42 Local Government Act 1995 the Chief Executive Officer is delegated authority to execute documents under s9.49A(2) of the <i>Local Government Act 1995</i> including:</p> <ul style="list-style-type: none"> <li>• The affixing of the Common Seal of the Shire to a document that needs the Shire's Common Seal to be legally effective and that is in one or more of the following categories: <ul style="list-style-type: none"> <li>a) Documents required to satisfy conditions of subdivision and/or development approval;</li> <li>b) Documents required to effect the transfer of land as part of a settlement transaction (sale and purchase);</li> <li>c) Documents required as part of a funding agreement for an approved grant;</li> <li>d) Documents required to effect the grant of leasehold interests in the land either by the Shire to a third party, or by a third party to the Shire;</li> <li>e) Documents required to effect the grant of a licence either by the Shire to a third party, or by a third party to the Shire; and</li> <li>f) Documents that are necessary or appropriate to enable a Chief Executive Officer to carry out their functions under any written law</li> </ul> </li> </ul>
<b>Council Conditions on this Delegation:</b>	In accordance with s9.49A (3) of the Act, the common seal is to be affixed to a document in the presence of the Shire President and Chief Executive Officer.
<b>Express Power to Sub-Delegate:</b>	This duty cannot be delegated.
<p><b>Sub-Delegate/s:</b></p> <p><i>Appointed by CEO</i></p>	
<p><b>CEO Conditions on this Sub-Delegation:</b></p> <p><i>Conditions on the original delegation also apply to the sub-delegations.</i></p>	

<i>Compliance Links:</i>	
Record Keeping:	In accordance with <i>r19 Local Government (Administration) Regulations 1996</i>

**Version Control:**

Adoption by Council 12 April 2022
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Delegation Title:	2.4 Disposing of Property
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p> <p>s.5.43 Limitations on delegations to the CEO</p>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government Act 1995:</i></p> <p>s.3.58(2) &amp; (3) Disposing of Property</p>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<p><b>Function:</b></p> <p><i>This is a precis only.</i></p> <p><i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	<p>The Chief Executive Officer is delegated authority to exercise the powers and duties of the local government in respect to:</p> <ol style="list-style-type: none"> <li>Authority to dispose of property to: <ul style="list-style-type: none"> <li>the highest bidder at public auction [s.3.58(2)(a)].</li> <li>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 it is the highest tender [s.3.58(2)(b)]</li> </ul> </li> <li>Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>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>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 \$2,000 or less.</li> <li>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, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price.</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 of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method.</li> <li>Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: <ul style="list-style-type: none"> <li>Negotiate the sale of the property up to a -10% variance on the valuation; and</li> </ul> </li> </ul> </li> </ol>

	<ul style="list-style-type: none"> <li>○ Consider any public submissions received and determine if to proceed with the disposal, ensuring reasons for the decision are recorded.</li> </ul> <p>4. Where the market value of the property is determined as being less than \$20,000 (F&amp;G r.30(3) excluded disposal) may be undertaken:</p> <ul style="list-style-type: none"> <li>• Without reference to Council for resolution; and</li> <li>• In any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value then, as a minimum, the disposal must ensure environmentally responsible disposal.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p>
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<p><b>Manager Works and Services</b></p> <p><b>Manager Corporate Services</b></p>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<i>Compliance Links:</i>	<p><i>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</i></p> <p><i>Local Government Act 1995 – s.3.58 Disposal of Property</i></p> <p><i>Local Government (Functions and General) Regulations 1995 – r.30 Dispositions of property excluded from Act s. 3.58</i></p> <p><i>Council Member Entitlements policy</i></p>
<i>Record Keeping:</i>	<i>In accordance with r19 Local Government (Administration) Regulations 1996</i>

**Version Control:**

Adoption by Council 12 April 2022

Delegation Title:	2.5 Donations, Fee Reductions, and Sponsorships
<b>Express Power to Delegate:</b>	<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>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>The Chief Executive Officer is delegated power to make donations to not-for-profit community organisations in accordance with s.6.12(1)(b) of the <i>Local Government Act 1995</i>.               <ul style="list-style-type: none"> <li>Includes power to waive or reduce fees charged for the used of Shire facilities by not-for-profit community organisations.</li> <li>Includes power to waive or reduce Shire fees or charges relating to development/building applications, by not-for-profit community organisations.</li> </ul> </li> <li>The Chief Executive Officer is delegated the power to determine sponsorship contribution to the following annual events:               <ul style="list-style-type: none"> <li>Sheepfest</li> </ul> <p>Sponsorship may include in-kind works by way of Shire plant and employees, and/or a direct financial allocation.</p> </li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>There being sufficient funds in the annual budget for the purpose;</li> <li>The combined maximum value in any one financial year of any sponsorship be limited to \$1,500 per event.</li> <li>The combined maximum value of any donation or fee reduction be limited to \$500 per event/activity.</li> </ol>
<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>	<b>Manager Corporate Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

<i>Compliance Links:</i>	<i>Local Government Act 1995</i>
<i>Record Keeping:</i>	<i>In accordance with r19 Local Government (Administration) Regulations 1996</i>

**Version Control:**

Adoption by Council 12 April 2022 Amended by Council 18 April 2024
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<b>Delegation Title:</b>	<b>2.6 Expressions of Interest for Goods and Services</b>
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <p>s.5.44 Delegation of some powers or duties to the CEO</p> <p>s.5.45 Limitations on delegations to the CEO</p>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government Act 1995:</i></p> <p>s.3.57 Tenders for providing goods or services</p> <p><i>Local Government (Functions and General) Regulations 1996:</i></p> <p>r.21 Limiting who can tender, procedure for</p> <p>r.23 Rejecting and accepting expressions of interest to be acceptable tenderer</p>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<p><b>Function:</b></p> <p><i>This is a precis only.</i></p> <p><i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	<p>The Chief Executive Officer is delegated authority to exercise the powers and duties of the local government in respect to:</p> <p>Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&amp;G r.21].</p> <p>Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&amp;G r.23].</p>
<b>Council Conditions on this Delegation:</b>	Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services.
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p>
<p><b>Sub-Delegate/s:</b></p> <p><i>Appointed by CEO</i></p>	<p><b>Manager Works &amp; Services</b></p> <p><b>Manager Corporate Services</b></p>
<p><b>CEO Conditions on this Sub-Delegation:</b></p> <p><i>Conditions on the original delegation also apply to the sub-delegations.</i></p>	

<i>Compliance Links:</i>	<i>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</i>  <i>Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures</i>  <i>Council Purchasing &amp; Tenders Policy</i>
<i>Record Keeping:</i>	<i>In accordance with r19 Local Government (Administration) Regulations 1996</i>

**Version Control:**

Adoption by Council 12 April 2022
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Delegation Title:	2.7 Financial Hardship
<b>Express Power to Delegate:</b>	<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>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	The Chief Executive Officer is delegated authority to exercise the powers and duties of the local government in respect to: 1. Determining financial hardship; and 2. Implement payment arrangements.
<b>Council Conditions on this Delegation:</b>	Must comply with Financial Hardship policy.
<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>	<b>Manager Corporate Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<i>Compliance Links:</i>	<i>Policy – Financial Hardship</i>
<i>Record Keeping:</i>	<i>In accordance with r19 Local Government (Administration) Regulations 1996</i>

**Version Control:**

Adoption by Council 12 April 2022

Delegation Title:	2.8 Impounding Abandoned Vehicles and Goods
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p> <p>s.5.43 Limitations on delegations to the CEO</p>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government Act 1995:</i></p> <p>s.3.39; s.3.40A (1), (4); s.3.42; s.3.43; s.3.44; s.3.46, s.3.47 (1), (2) s.3.47(2A) s.3.47A; s.3.48</p> <p>r.32 Local Government (Administration) Regulations 1995.</p>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<p><b>Function:</b></p> <p><i>This is a precis only.</i></p> <p><i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	<p>The Chief Executive Officer is delegated authority to exercise the powers and duties of the local government in respect to:</p> <ul style="list-style-type: none"> <li>• Remove and impound any goods that are involved in a contravention that can lead to impounding in accordance with s.3.39.</li> <li>• Impound abandoned vehicle wrecks in accordance with s.3.40A (1), (4).</li> <li>• Take appropriate action in respect to impounded non-perishable goods in accordance with S.3.42 and s3.43.</li> <li>• Give notice in accordance with s.3.44 to collect goods.</li> <li>• Refuse to allow goods to be collected until all costs have been paid in accordance with s.3.48.</li> <li>• Sell or dispose of confiscated or uncollected goods in accordance with s.3.47 (1) (2) and s3.47(2a)</li> <li>• Disposal of sick or injured animals in accordance with s.3.47A.</li> <li>• Take action to recover expenses in accordance with s.3.48.</li> </ul>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>1. Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.</li> <li>2. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely euthanize the animal and dispose of the carcass [s.3.47A(1)].</li> <li>3. Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with <i>Local Government (Functions and General) Regulations 1996 - r30</i>, be disposed of by any means considered to provide best value, provided the process is transparent and accountable.</li> <li>4. For vehicles with estimated value of \$1 - \$500 - Notices seeking offers for purchases shall be displayed on the Shire of West Arthur's notice boards and on the website. Any vehicle not purchased will be disposed of at the West Arthur Refuse Tip or donated to a community group.</li> <li>5. For vehicles with estimated value of \$501 - \$5,000 - Notice seeking offers for purchases shall be advertised with local public notice and displayed on the Shire of West Arthur's notice boards</li> </ol>

	<p>and on the website. Any vehicle not purchased will be disposed of at the West Arthur Refuse Tip or donated to a community group.</p> <p>6. For vehicles with estimated value of \$5,001 + - Items shall be tendered as per the requirements of S3.58 of the <i>Local Government Act 1995</i>. Any vehicle not purchased will be disposed of at the West Arthur Refuse Tip or donated to a community group.</p>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p>
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Manager Works &amp; Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<i>Compliance Links:</i>	<i>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</i>
<i>Record Keeping:</i>	<i>In accordance with r19 Local Government (Administration) Regulations 1996</i>

**Version Control:**

Adoption by Council 12 April 2022
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Delegation Title:	2.9 Investment of Surplus Funds
<b>Express Power to Delegate:</b>	<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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	The Chief Executive Officer is delegated authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)].  Such investments are to be made in accordance with Council Policy – Investment of Surplus Funds.
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>1. In exercising this delegated authority, Chief Executive Officer shall observe s.6.14 of the Act.</li> <li>2. The Chief Executive Officer is to establish and document internal control procedures to be followed by employees to ensure control over investments in accordance with the <i>Local Government (Financial Management) Regulations 1996</i>.</li> <li>3. The control procedures are to enable the identification of the nature and location of all investments and the transactions related to each investment.</li> <li>4. 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.</li> <li>5. 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>6. All investment activity must comply with <i>Local Government (Financial Management) Regulations</i> r19C and Council Policy.</li> </ol>
<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>	<b>Manager Corporate Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	A decision to invest must be jointly approved by two delegates

<i>Compliance Links:</i>	<i>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</i>  <i>Local Government (Financial Management) Regulations 1996 – refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a))</i>  <i>Council Policy – Investment of Surplus Funds</i>
<i>Record Keeping:</i>	<i>In accordance with r19 Local Government (Administration) Regulations 1996</i>

**Version Control:**

Adoption by Council 12 April 2022
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Delegation Title:	2.10 Obstruction of Thoroughfares
Express Power to Delegate:	<p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p> <p>s.5.43 Limitations on delegations to the CEO.</p>
Express Power or Duty Delegated:	<p><i>Local Government (Uniform Local Provisions) Regulations 1996:</i></p> <p>r.5(2) Interfering with, or taking from, local government land</p> <p>r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)</p> <p>r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b)</p> <p>r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)</p>
Delegate:	Chief Executive Officer
<p><b>Function:</b></p> <p><i>This is a precis only.</i></p> <p><i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	<p>The Chief Executive Officer is delegated authority to exercise the powers and duties of the local government in respect to:</p> <ol style="list-style-type: none"> <li>1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: <ul style="list-style-type: none"> <li>• prevent damage to the footpath; or</li> <li>• prevent inconvenience to the public or danger from falling materials [ULP r.5(2)].</li> </ul> </li> <li>2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)].</li> <li>3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)].</li> <li>4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A].</li> <li>5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].</li> </ol>
Council Conditions on this Delegation:	Must comply with relevant Policy.
Express Power to Sub-Delegate:	<p><i>Local Government Act 1995:</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p>
<p>Sub-Delegate/s:</p> <p><i>Appointed by CEO</i></p>	Manager Works and Services

<b>CEO Conditions on this Sub-Delegation:</b>  <i>Conditions on the original delegation also apply to the sub-delegations.</i>	
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<i>Compliance Links:</i>	<i>Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.</i>
<i>Record Keeping:</i>	<i>In accordance with r19 Local Government (Administration) Regulations 1996</i>

**Version Control:**

Adoption by Council 12 April 2022
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Delegation Title:	2.11 Payments from the Municipal or Trust Funds
Express Power to Delegate:	<p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p> <p>s.5.43 Limitations on delegations to the CEO</p>
Express Power or Duty Delegated:	<p><i>Local Government (Financial Management) Regulations 1996:</i></p> <p>r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making</p>
Delegate:	Chief Executive Officer
<p><b>Function:</b></p> <p><i>This is a precis only.</i></p> <p><i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	<p>The Chief Executive Officer is delegated authority to make payments from the municipal or trust funds and to establish systems and procedures which give effect to internal controls and risk mitigation for:</p> <ul style="list-style-type: none"> <li>• Collection of money owed to the Shire;</li> <li>• Safe custody and security of money collected or held by the Shire;</li> <li>• Maintenance and security of all financial records, including payroll, stock control and costing records;</li> <li>• Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities;</li> <li>• Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards;</li> <li>• Payments from the Shire's Municipal Fund or Trust Fund in accordance with r12 of the Local Government (Financial Management) Regulations 1996. This includes the authority to make payments of accounts and salaries and wages, payroll deductions and other obligations by cheque or Electronic Funds Transfer.</li> <li>• Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements.</li> </ul>
Council Conditions on this Delegation:	<ol style="list-style-type: none"> <li>1. Must comply with relevant policies</li> <li>2. Subject to the requirements of r.5,11,12 and 13 of the <i>Local Government (Financial Management) Regulations 1996</i>.</li> <li>3. All payments from the Municipal Fund or Trust Fund are to be authorised and signed in accordance with the Council's policies and the Shire's approved work procedures. Authority to the Chief Executive Officer is unlimited subject to annual budget limitations.</li> <li>4. Payment authorisation via internet banking or cheque payment requires a combination of two signatories one of which must include: <ul style="list-style-type: none"> <li>• one or both of the Chief Executive Officer, Manager Corporate Services, and/or</li> <li>• Manager Financial Reporting; or</li> <li>• Manager Works and Services.</li> </ul> </li> </ol>



	<p>5. Each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled for each month which is to be presented to the next available ordinary meeting of the Council.</p> <p>6. Procedures are to be systematically documented and retained in accordance with the Recordkeeping Plan and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles.</p>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p>
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<p><b>Manager Corporate Services</b></p> <p><b>Manager Financial Reporting</b></p> <p><b>Manager Works and Services</b></p>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<p>Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5.</p>

<i>Compliance Links:</i>	<p><i>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</i></p> <p><i>Local Government Act 1995</i></p> <p><i>Local Government (Financial Management) Regulations 1996 - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.</i></p> <p><i>Local Government (Audit) Regulations 1996</i></p> <p><i>Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards</i></p>
<i>Record Keeping:</i>	<i>In accordance with r19 Local Government (Administration) Regulations 1996</i>

#### **Version Control:**

Adoption by Council 12 April 2022  
*Delegation Updated at OCM 28 September 2023.*

Delegation Title:	2.12 Private Property and Thoroughfares
Express Power to Delegate:	<p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p> <p>s.5.43 Limitations on delegations to the CEO</p>
Express Power or Duty Delegated:	<p><i>Local Government Act 1995:</i></p> <p>s.3.20 s.3.24; s.3.25; s.3.26(2), (3); s.3.27(1); s.3.28; s.3.31 – s.3.36</p> <p>Sch 3.1, 3.2 and 9.1 <i>Local Government Act 1995 Local Government (Uniform Local Provisions) Regulations 1996</i></p>
Delegate:	<b>Chief Executive Officer</b>
<p><b>Function:</b></p> <p><i>This is a precis only.</i></p> <p><i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	<p>The Chief Executive Officer is delegated authority to exercise the powers and duties of the local government in respect to:</p> <ul style="list-style-type: none"> <li>authorised under s.3.20, s3.24, s3.25, s3.26(2), (3), s3.27(1), s.3.28, s.3.31, 3.32, 3.33, 3.34, 3.35 &amp; 3.36 and Sch 3.1,3.2 and 9.1 of the <i>Local Government Act 1995</i> in relation to notices requiring certain things to be done by owner or occupier of land and additional powers when notice is given.</li> <li>the power to deem an excavation to be dangerous and to fill in or fence the excavation, or request the owner or occupier to fill or securely fence the excavation, subject to Regulation 11(1) of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> and Schedule 3.1, Division 2, item 2:</li> </ul> <p>The Chief Executive Officer is delegated authority to undertake the following pursuant to Schedule 3.1, Division 1 Things a notice may require to be done including:</p> <ul style="list-style-type: none"> <li>Prevent water from dripping or running from a building on the land onto any other land.</li> <li>Place in a prominent position on the land a number to indicate the address.</li> <li>Modify or repair, in the interests of the convenience or safety of the public, anything constructed as mentioned in Schedule 9.1, clause 8, or repair any damage caused to the public thoroughfare or other public place mentioned in that clause.</li> <li>Ensure that land that adjoins a public thoroughfare or other public place that is specified for the purposes of this item by a local law — (a) is suitably enclosed to separate it from the public place; and (b) where applicable, is enclosed with a close fence, to the satisfaction of the local government, suitable to prevent sand or other matter coming from the land onto the public place. (2) The notice cannot be given to an occupier who is not an owner.</li> <li>Ensure that unsightly land is enclosed, to the satisfaction of the local government, with a fence or other means suitable to prevent the land, so far as is practicable, from being unsightly. (2) In this item — “unsightly”, in relation to land, means having an appearance that, because of the way in which the land is used, does not conform with the general appearance of other</li> </ul>

	<p>land in the locality. (3) The notice cannot be given to an occupier who is not an owner.</p> <ul style="list-style-type: none"> <li>• Ensure that overgrown vegetation, rubbish, or disused material, as specified, is removed from land that the local government considers to be untidy. In this item — “disused material” includes disused motor vehicles, old motor vehicle bodies and old machinery.</li> <li>• Take specified measures for preventing or minimizing sand drifts on the land that are likely to adversely affect other land.</li> <li>• Ensure that land that adjoins a public thoroughfare or other public place that is specified for the purposes of this item by a local law is not overgrown.</li> <li>• Remove all or part of a tree that is obstructing or otherwise prejudicially affecting a thoroughfare that is under the local government’s control or management and adjoins the land where the tree is situated.</li> <li>• Ensure that a tree on the land that endangers any person or thing on adjoining land is made safe.</li> <li>• Take specified measures for preventing or minimizing— (a) danger to the public; or (b) damage to property, which might result from cyclonic activity.</li> <li>• Remove bees that are likely to endanger the safety of any person or create a serious public nuisance.</li> <li>• Ensure that an unsightly, dilapidated or dangerous fence or gate that separates the land from land that is local government property is modified or repaired.</li> <li>• Take specific measures to prevent — (a) artificial light being emitted from the land; or (b) natural or artificial light being reflected from something on the land, creating a nuisance.</li> <li>• Remove or make safe anything that is obstructing or otherwise prejudicially affecting a private thoroughfare so that danger to anyone using the thoroughfare is prevented or minimised. (2) In this item — “private thoroughfare” has the same meaning as in Schedule 9.1 clause 7(1) and s3.25(1)(b) of the Local Government Act 1995:</li> <li>• Schedule 3.1, Division 2 Provisions contraventions of which may lead to a notice requiring things to be done</li> <li>• Regulations under Schedule 9.1, clause 3 (Obstructing or encroaching on public thoroughfare).</li> <li>• Regulations under Schedule 9.1, clause 5(1) (Gates and other devices across public thoroughfares) requiring a person to remove a gate or other device from across a public thoroughfare when requested by a local government to do so.</li> <li>• Regulations under Schedule 9.1, clause 6 (Dangerous excavation in or near public thoroughfare).</li> <li>• Regulations under Schedule 9.1, clause 7(2) (Crossings from public thoroughfares to private land or to private</li> </ul>
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	<p>thoroughfares) that — (a) prohibit a person from constructing a crossing; or (b) by means of a notice in writing given to a person by the Commissioner of Main Roads, require the person to bring a crossing into accordance with an approval by the Commissioner of Main Roads or to remove a crossing and restore the place where it was to its former condition.</p> <ul style="list-style-type: none"> <li>• Regulations under Schedule 9.1, clause 8(1) (Constructing private works on, over, or under public places).</li> <li>• Regulations under Schedule 9.1, clause 9 (Protection of watercourses, drains, tunnels and bridges).</li> <li>• Regulations under Schedule 9.1, clause 10 (Protection of thoroughfares from water damage).</li> <li>• Regulations under Schedule 9.1, clause 12 (Wind erosion and sand drifts).</li> <li>• Grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)].</li> <li>• Impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].</li> <li>• Give Notice re wind erosion and sand drifts – Sch.9.1 cl.12, r.21(1)</li> </ul>
<p><b>Council Conditions on this Delegation:</b></p>	<p>In relation to s3.32 (1)</p> <ul style="list-style-type: none"> <li>• A notice of an intended entry is to be given to the owner or occupier of the land, premises or thing that is to be entered.</li> <li>• The notice is to specify the purpose for which the entry is required and continues to have effect for so long as that requirement continues.</li> <li>• The notice is to be given not less than 24 hours before the power of entry is exercised.</li> <li>• Successive entries for the purpose specified in the notice are to be regarded as entries to which that notice relates.</li> <li>• Approvals given are subject to regulation 14(2) of the Local Government (Uniform Local Provisions) Regulations 1996 (where relevant).</li> </ul> <p>In relation to r.12, r.13, r.14, r.15, r.16, r.17 of the Local Government (Uniform Local Provisions) Regulations 1996 due process must be followed for the issuing of a notice under s.3.25 of the Act.</p> <p>Decisions under this Delegation must be exercised in alignment with Obstruction of Footpaths and Thoroughfares (where same exists).</p> <p>Actions under this Delegation must comply with the procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</p> <p>Delegated authority may only be used, where there is imminent or substantial risk to public safety or property.</p>

	<p>Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</p> <p>In relation to r.9 Local Government (Uniform Local Provisions) Regulations 1996: Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1) - each approval provided must be recorded in the Shire’s statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8</p> <p>In relation to r.11(1), (4), (6) &amp; (8) Local Government (Uniform Local Provisions) Regulations 1996: Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6 - Permission may only be granted where, the proponent has:</p> <ul style="list-style-type: none"> <li>• Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works.</li> <li>• Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works.</li> <li>• Provided evidence of sufficient Public Liability Insurance.</li> <li>• Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p>
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Manager Works &amp; Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<i>Compliance Links:</i>	<p><i>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</i></p> <p><i>Local Government Act 1995 - s.9.10 Appointment of authorised persons – refer also s.3.32(2)].</i></p> <p><i>Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry</i></p> <p><i>s.3.34(2) Entry in an emergency</i></p>
<i>Record Keeping:</i>	<i>In accordance with r19 Local Government (Administration) Regulations 1996</i>

**Version Control:**

Adoption by Council 12 April 2022

Delegation Title:	2.13 Property & Rates - Recovery of Rates or Service Charges
Express Power to Delegate:	<p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p> <p>s.5.43 Limitations on delegations to the CEO</p>
Express Power or Duty Delegated:	<p><i>Local Government Act 1995:</i></p> <p>s.6.56 Rates or service charges recoverable in court</p> <p>s.6.64(3) Actions to be taken</p>
Delegate:	<b>Chief Executive Officer</b>
<p><b>Function:</b></p> <p><i>This is a precis only.</i></p> <p><i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	<p>The Chief Executive Officer is delegated authority to exercise the powers and duties of the local government in respect to:</p> <ol style="list-style-type: none"> <li>1. Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].</li> <li>2. 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)].</li> <li>3. 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>4. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the Shire [s.6.60(2)].</li> <li>5. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)].</li> <li>6. Authority to take possession of land and hold the land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years [s.6.64(1)], including: <ul style="list-style-type: none"> <li>• lease the land, or</li> <li>• sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: or</li> <li>• cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or</li> <li>• cause the land to be transferred to the Shire [s.6.71].</li> </ul> </li> <li>7. 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>
Council Conditions on this Delegation:	<ol style="list-style-type: none"> <li>1. Decisions under this delegation must comply with Council Policy.</li> <li>2. Agreements must be in writing and, subject to Council Policy, must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied.</li> </ol>

<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>	<b>Manager Corporate Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<i>Compliance Links:</i>	<i>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</i> <i>Financial Hardship Policy</i>
<i>Record Keeping:</i>	<i>In accordance with r19 Local Government (Administration) Regulations 1996</i>

**Version Control:**

Adoption by Council 12 April 2022
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Delegation Title:	2.14 Property & Rates - Rate Record - Objections
<b>Express Power to Delegate:</b>	<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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	The Chief Executive Officer is delegated authority to exercise the powers and duties of the local government in respect to:  1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)]. 2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person who made the objection [s.6.76(5)].
<b>Council 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 some powers and duties to other employees
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Manager Corporate Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<i>Compliance Links:</i>	<i>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</i>  <i>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</i>
<i>Record Keeping:</i>	<i>In accordance with r19 Local Government (Administration) Regulations 1996</i>

#### Version Control:

Adoption by Council 12 April 2022



Delegation Title:	2.15 Property & Rates - Group Values on Contiguous Land
<b>Express Power to Delegate:</b>	<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>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	The Chief Executive Officer is delegated the authority to determine applications for group values on contiguous land.
<b>Council Conditions on this Delegation:</b>	For the purpose of this delegation, pieces of land will be taken to be contiguous if they abut one another at any point, or if they are separated only by intervening land being a street, road, lane, footway, court, railway, thoroughfare, stock route, a reserve or other similar public open space dedicated for public purposes.
<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>	<b>Manage Corporate Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<i>Compliance Links:</i>	<i>Local Government Act 1995</i> <i>Land Management Act 1997</i>
<i>Record Keeping:</i>	<i>In accordance with r19 Local Government (Administration) Regulations 1996</i>

**Version Control:**

Adoption by Council 12 April 2022

<b>Delegation Title:</b>	<b>2.16 Roads – Heavy Vehicle Access</b>
<b>Express Power to Delegate:</b>	<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>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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 applications by heavy vehicle transport operators for Restricted Access Vehicle (RAV) and Accredited Mass Management Scheme (AMMS) Networks to access local roads in the Shire of West Arthur.
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>1. Local government approval required for access;</li> <li>2. No access without documentation providing proof of local access;</li> <li>3. No Access during school bus times from 7.00am to 8.30am and 3.00 pm to 4.30 pm;</li> <li>4. Speed limit of 60kph on gravel roads and 80kph on sealed roads (Speed limit may change for different standard of roads);</li> <li>5. Avoid travelling on roads during periods of heavy fog.</li> </ol>
<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>	<b>Manager Works and Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<i>Compliance Links:</i>	<i>Local Government Act 1995</i>
<i>Record Keeping:</i>	<i>In accordance with r19 Local Government (Administration) Regulations 1996</i>

**Version Control:**

Adoption by Council 12 April 2022

Delegation Title:	2.17 Tenders for Goods and Services – Call Tenders
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p> <p>s.5.43 Limitations on delegations to the CEO</p>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government Act 1995:</i></p> <p>s.3.57 Tenders for providing goods or services</p> <p><i>Local Government (Functions and General) Regulations 1996:</i></p> <p>r.11(1), (2) When tenders have to be publicly invited</p> <p>r.13 Requirements when local government invites tenders though not required to do so</p> <p>r.14 Publicly inviting tenders, requirements for</p>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<p><b>Function:</b></p> <p><i>This is a precis only.</i></p> <p><i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	<p>The Chief Executive Officer is delegated authority to exercise the powers and duties of the local government in respect to</p> <ol style="list-style-type: none"> <li>1. Authority to call tenders [F&amp;G r.11(1)].</li> <li>2. Authority to invite tenders although not required to do so [F&amp;G r.13].</li> <li>3. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&amp;G r.14(2a)].</li> <li>4. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&amp;G r.14(4)(a)].</li> <li>5. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&amp;G r.14(5)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>1. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget where: <ul style="list-style-type: none"> <li>• the proposed goods or services are required to fulfil a routine contract related to the day-to-day operations of the Local Government; or</li> <li>• a current supply contract expiry is imminent; and</li> <li>• the 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>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p>
<b>Sub-Delegate/s:</b>	<p><b>Manager Works &amp; Services</b></p> <p><b>Manager Corporate Services</b></p>

<i>Appointed by CEO</i>	
<b>CEO Conditions on this Sub-Delegation:</b>  <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Each sub-delegate may only use the sub-delegation regarding contracts that are within the scope of the incumbent's position role and responsibilities.

<i>Compliance Links:</i>	<i>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</i>  <i>Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures</i>
<i>Record Keeping:</i>	<i>In accordance with r19 Local Government (Administration) Regulations 1996</i>

**Version Control:**

Adoption by Council 12 April 2022
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<b>Delegation Title:</b>	<b>2.18 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options</b>
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p> <p>s.5.43 Limitations on delegations to the CEO</p>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government Act 1995:</i></p> <p>s.3.57 Tenders for providing goods or services</p> <p><i>Local Government (Functions and General) Regulations 1996:</i></p> <p>r.11(2)(j) Exercising contract extension options</p> <p>r.18(2), (4), (4a), (5), (6) and (7) Rejecting and accepting tenders</p> <p>r.20(1), (2), (3) Variation of requirements before entry into contract</p> <p>r.21A Varying a contract for the supply of goods or services</p>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<p><b>Function:</b></p> <p><i>This is a precis only.</i></p> <p><i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	<p>The Chief Executive Officer is delegated authority to exercise the powers and duties of the local government in respect to</p> <ol style="list-style-type: none"> <li>1. Authority to determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender [F&amp;G.r.18(2)].</li> <li>2. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&amp;G.r.18(4a)].</li> <li>3. Authority to assess, by written evaluation, tenders that have not been rejected, to determine: <ol style="list-style-type: none"> <li>a) The extent to which each tender satisfies the criteria for deciding which tender to accept; and</li> </ol> </li> <li>4. To accept the tender that is most advantageous within the value detailed as a condition on this Delegation [F&amp;G r.18(4)].</li> <li>5. Authority to decline to accept any tender [F&amp;G r.18(5)].</li> <li>6. Authority to accept the next most advantageous tender if, within 6-months of accepting a tender, a contract has not been entered into <u>OR</u> the local government and the successful tenderer agree to terminate the contract [F&amp;G r.18(6) &amp; (7)].</li> <li>7. Authority to determine whether variations in goods and services required are minor variations, and to negotiate with the successful tenderer to make minor variations <u>before</u> entering into a contract [F&amp;G r.20(1) and (3)].</li> <li>8. Authority to choose the next most advantageous tender to accept, if the chosen tenderer is unable or unwilling to form a contract to supply the varied requirement <u>OR</u> the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer [F&amp;G r.20(2)].</li> <li>9. Authority to vary a tendered contract, <u>after</u> it has been entered into, provided the variation/s are necessary for the goods and services to be supplied, and do not change the scope of the original contract or increase the contract value beyond 10% or to</li> </ol>

	<p>a maximum of \$20,000 (ex GST) whichever is the lesser value [F&amp;G r.21A(a)].</p> <p>10. Authority to exercise a contract extension option that was included in the original tender specification and contract in accordance with r.11(2)(j).</p>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>1. Exercise of authority under F&amp;G.r.18(2) requires consideration of whether or not the requirements as specified in the invitation to tender have been expressed as mandatory and if so, discretion may not be capable of being exercised – consider process contract implications.</li> <li>2. In accordance with s.5.43(b), tenders may only be accepted under this delegation, where: <ul style="list-style-type: none"> <li>• The total consideration under the resulting contract is \$500,000 or less;</li> <li>• The expense is included in the adopted Annual Budget; and</li> <li>• The tenderer has complied with requirements under F&amp;G r.18(2) and (4).</li> </ul> </li> <li>3. A decision to vary a tendered contract <u>before</u> entry into the contract [F&amp;G r.20(1) and (3)] must include evidence that the variation is minor in comparison to the total goods or services that tenderers were invited to supply.</li> <li>4. A decision to vary a tendered contract <u>after</u> entry into the contract [F&amp;G r.21A(a)] must comply with the any Council Policy and must include evidence that the variation is necessary and does not change the scope of the contract.</li> <li>5. A decision to renew or extend the contract must only occur where the original contract contained the option to renew or extend its term as per r.11(2)(j) <b>and</b> that the contractor's performance has been reviewed and the review evidences the rationale for entering the extended term.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p>
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Manager Corporate Services</b> <b>Manager Works and Services</b>

<i>Compliance Links:</i>	<p><i>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</i></p> <p><i>Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures</i></p>
<i>Record Keeping:</i>	<i>In accordance with r19 Local Government (Administration) Regulations 1996</i>

#### Version Control:

Adoption by Council 12 April 2022

Delegation Title:	2.19 Tenders for Goods and Services - Exempt Procurement															
Express Power to Delegate:	Local Government Act 1995:  s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO															
Express Power or Duty Delegated:	Local Government Act 1995:  s.3.57 Tenders for providing goods or services  Local Government (Functions and General) Regulations 1996:  r.11(2) When tenders have to be publicly invited (exemptions)															
Delegate:	Chief Executive Officer															
Function:  This is a precis only.  Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	The Chief Executive Officer is delegated authority to exercise the powers and duties of the local government in respect to:  1. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is expected to be included in the adopted Annual Budget [F&G.r.11(2)].  2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine to contract directly with a suitable supplier [F&G r.11(2)(f)].															
Council Conditions on this Delegation:	<div>1. Tender exempt procurement under F&amp;G.r.11(2) may only be determined where the total consideration under the resulting contract is expected to be less than the maximum \$value specified for the following categories:</div> <table><tr><th>Category</th><th>Maximum Value for individual contracts</th></tr><tr><td>WALGA Preferred Supplier Program [F&amp;G.r.11(2)(b)]</td><td>\$500,000</td></tr><tr><td>Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&amp;G.r.11(2)(e)]</td><td>\$500,000</td></tr><tr><td>Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&amp;G.r.(2)(f)]</td><td>\$500,000</td></tr><tr><td>Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&amp;G.r.11(2)(g)]</td><td>\$500,000</td></tr><tr><td>Goods or services supplied by a person registered on the Aboriginal Business Directory WA OR Indigenous Minority Supplier Office Limited (T/as Supply Nation) AND where satisfied that the contract represents value for money. [F&amp;G.r.11(2)(h)]</td><td>\$250,000*  *as specified in F&amp;G.r.11(2)(h)(ii)</td></tr><tr><td>Goods or services supplied by an Australian Disability Enterprise [F&amp;G.r.11(2)(i)]</td><td>\$500,000</td></tr></table>		Category	Maximum Value for individual contracts	WALGA Preferred Supplier Program [F&G.r.11(2)(b)]	\$500,000	Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)]	\$500,000	Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.(2)(f)]	\$500,000	Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]	\$500,000	Goods or services supplied by a person registered on the Aboriginal Business Directory WA OR Indigenous Minority Supplier Office Limited (T/as Supply Nation) AND where satisfied that the contract represents value for money. [F&G.r.11(2)(h)]	\$250,000*  *as specified in F&G.r.11(2)(h)(ii)	Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)]	\$500,000
Category	Maximum Value for individual contracts															
WALGA Preferred Supplier Program [F&G.r.11(2)(b)]	\$500,000															
Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)]	\$500,000															
Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.(2)(f)]	\$500,000															
Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]	\$500,000															
Goods or services supplied by a person registered on the Aboriginal Business Directory WA OR Indigenous Minority Supplier Office Limited (T/as Supply Nation) AND where satisfied that the contract represents value for money. [F&G.r.11(2)(h)]	\$250,000*  *as specified in F&G.r.11(2)(h)(ii)															
Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)]	\$500,000															

	<p>2. Tender exempt procurement under F&amp;G r.11(2)(f) may only be determined where a record is retained that evidences:</p> <ul style="list-style-type: none"> <li>• A detailed specification;</li> <li>• The outcomes of market testing of the specification;</li> <li>• The reasons why market testing has not met the requirements of the specification;</li> <li>• Rationale for why the supply is unique and cannot be sourced through other suppliers; and</li> <li>• The expense is included in the adopted Annual Budget.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p>
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<p><b>Manager Works &amp; Services</b></p> <p><b>Manager Corporate Services</b></p>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<p>Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities, and in accordance with purchasing limits.</p>

<i>Compliance Links:</i>	<p><i>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</i></p> <p><i>Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures</i></p>
<i>Record Keeping:</i>	<i>In accordance with r19 Local Government (Administration) Regulations 1996</i>

**Version Control:**

Adoption by Council 12 April 2022



Delegation Title:	2.21 Street Stalls/Appeals
<b>Express Power to Delegate:</b>	<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>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	The Chief Executive Officer is delegated the power, to determine applications for street stalls/ appeals subject to satisfactory insurance arrangements and compliance with any statutes.
<b>Council Conditions on this Delegation:</b>	Must comply with relevant policies and regard to relevant Local Laws of the Shire.
<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>	<b>Nil</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<i>Compliance Links:</i>	
<i>Record Keeping:</i>	<i>In accordance with r19 Local Government (Administration) Regulations 1996</i>

**Version Control:**

Adoption by Council 12 April 2022
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Delegation Title:	2.22 Building Act & Regulations – Powers, Duties & Functions
Express Power to Delegate:	<i>Building Act 2011: various, as detailed</i> <i>Building Regulations 2012: various, as detailed</i>
Express Power or Duty Delegated:	<i>Building Act 2011:</i> <i>s.127(1) &amp; (3) Delegation: special permit authorities and local government</i>
Delegate:	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>Pursuant to s96 of the Building Act 2011 the Chief Executive Officer is delegated the authority to appoint authorised persons for the purposes of the Building Act 2011 and the Building Regulations 2012 in relation to buildings and incidental structures located or proposed to be located in the local government's district.</p> <p>Pursuant to s99 the CEO is delegated authority to impose limitations on powers of authorised persons.</p> <p>Pursuant to s127 the Chief Executive Officer is delegated all the powers and duties of the local government under the Building Act and Regulations and is authorised to take legal proceedings pursuant to s133 of the Act in relation to both the Act and Regulations.</p> <p>These delegations include the powers and duties specified at:</p> <ul style="list-style-type: none"> <li>• s18(1) - to require an applicant to provide any documentation or information required to determine a building permit application;</li> <li>• s20 – to approve, or refuse to approve a certified or uncertified application for a building permit;</li> <li>• s21,22 – to approve, or refuse to approve an application for a demolition permit;</li> <li>• s27(1), (3) - to impose conditions on permit</li> <li>• s.55 - Further information</li> <li>• s58 – to approve, modify or refuse to approve an application for an occupancy permit or approve or refuse to approve an application for a building approval certificate;</li> <li>• s62 – to impose conditions on an occupancy permit or modification of a building approval certificate;</li> <li>• s65 – to approve, or refuse to approve an application to extend the time in which an occupancy permit or modification or building approval certificate has effect;</li> <li>• s76 – to give consent for encroachments on Crown land under the care, control and maintenance of the local government;</li> <li>• s93(2)(d) of the Building Act 2011 and s.53 of the Building Regulations 2012;</li> <li>• S96(3) of the Building Act (and subject to s100(2) of the Building Act 2011) to appoint Authorised Persons;</li> </ul>

	<ul style="list-style-type: none"> <li>• s110 – to make a Building Order in relation to building work, demolition work and/or, an existing building or incidental structure, whether completed before, or after commencement day;</li> <li>• s111 – to give Notice of proposed building order other than building order (emergency)</li> <li>• s114 – serve a building order;</li> <li>• s117 – revoke a building order; and</li> <li>• s118(2), (3) – to take action in relation to non-compliance with building orders;</li> <li>• s131(2) - to determine applications for the inspection of or to seek copies of building records;</li> <li>• s133 - to commence a prosecution for an offence against this Act;</li> <li>• s145A(1) - to undertake local government functions in relation to Referrals and Issuing Certificates including authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government;</li> <li>• S145A(2) - authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire's District [s.145A(2)];</li> <li>• r23 (application to extend time), r24 (extension of time), r26 (approval of new responsible person);</li> <li>• r40 - extension of period of duration of time of occupancy permit or building certificate;</li> <li>• r51 - private pool barriers - alternatives solutions;</li> <li>• r55, 61 - smoke alarms - alternative solutions - local government approval of battery powered smoke alarms..</li> </ul>
<b>Council Conditions on this Delegation:</b>	<p>Must comply with relevant policies</p> <p>Sub delegation may only be to employees of the Shire (s127(3)).</p> <p>This delegation includes the power to serve notice on the builder or owner requiring alterations to a building, or in relation to encroachments, pursuant to s189, S190 of the Building Act 2011. These powers cannot be sub delegated.</p> <p>In undertaking the functions of this delegation, Building Surveyors (registered) must be employed by the Shire of West Arthur in accordance with s5.36 of the Local Government Act 1995; and with respect to uncertified applications, hold the appropriate qualification as set out under r6 of the Local Government (Building Surveyors) Regulations 2008.</p> <p>In relation to s21 this sub delegation does not apply to places listed on the State's Register of Heritage Places or the Council's Heritage Register or to places classified by the National Trust.</p> <p>Must observe s100(2) of the <i>Building Act 2011</i> in relation to entry to private residence.</p>

	<p>In relation to s110 this delegation permits a sub delegate to determine that an Order is to remain in effect in accordance with s117(2) of the <i>Building Act 2011</i> where it is considered appropriate.</p> <p>In relation to s93(2)(d) of the <i>Building Act 2011</i> and s.53 of the <i>Building Regulations 2012</i> - *Regulation 52 (2): For the purposes of section 93(2)(d) a person who was an authorised person for the purposes of section 245A of the repealed provisions immediately before repeal day is to be taken to be an authorised person in relation to the inspection of private swimming pool enclosures for the period commencing on repeal day and ending on the day that is 5 years after that day.</p>
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011 – s127</i>
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Nil</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<i>Compliance Links:</i>	
<i>Record Keeping:</i>	<i>In accordance with s130 Building Act 2011 and r12 Building Regulations 2012</i>

**Version Control:**

Adoption by Council 12 April 2022
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<b>Delegation Title:</b>	<b>2.23 Building Act &amp; Regulations – Occupancy Permits and Building Approval Certificates for Strata Plans &amp; Survey Strata Plans</b>
<b>Express Power to Delegate:</b>	<i>Strata Titles Act 1985 – sA5B, s25 in respect of Built Strata Applications except for those applications listed as exceptions in WAPC Planning Bulletin 52/2009. Includes issue of Form 26</i>
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011: s.127(1) &amp; (3) Delegation: special permit authorities and local government</i>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>  <i>This is a precis only.</i>  <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>The Chief Executive Officer is authorised to issue occupancy permits and building approval certificates for strata plans and survey strata plans as required by s5B of the Strata Titles Act 1985 and to make certain decisions pursuant to s25 Strata Titles Act 1985 in respect of Built Strata Applications except for those applications listed as exceptions in Western Australian Planning Commission (WAPC) Planning Bulletin 52/2009.</p> <p>Includes authority to issue Form 26</p>
<b>Council Conditions on this Delegation:</b>	<p>Must comply with relevant policies</p> <p>Delegation and authority do not apply to those applications that:</p> <ol style="list-style-type: none"> <li>1. Propose the creation of a vacant lot;</li> <li>2. Proposed vacant air stratas in multi-tiered strata scheme developments;</li> <li>3. In the opinion of the WAPC as notified to the local government in writing, or in the opinion of the local government as notified to the WAPC in writing, relate to: <ol style="list-style-type: none"> <li>a) type of development; and/or</li> <li>b) land within an area, which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.</li> </ol> </li> <li>4. The WAPC is to be provided with data on all applications determined under this Instrument of Delegation at the conclusion of each financial year in the format prescribed by the WAPC.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011 – s127</i>
<b>Sub-Delegate/s:</b>  <i>Appointed by CEO</i>	<b>Nil</b>
<b>CEO Conditions on this Sub-Delegation:</b>	

<i>Conditions on the original delegation also apply to the sub-delegations.</i>	
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<i>Compliance Links:</i>	
<i>Record Keeping:</i>	<i>In accordance with s130 Building Act 2011 and r12 Building Regulations 2012</i>

**Version Control:**

Adoption by Council 12 April 2022
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<b>Delegation Title:</b>	<b>2.24 Bush Fires Act – General Delegation</b>
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954 – s48</i>
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954 – s48</i>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>Pursuant to s48 Bush Fires Act 1954 the Chief Executive Officer is delegated authority to exercise the powers and discharge the duties of the local government.</p> <p>This delegation includes the authority to initiate legal action and prosecution.</p> <p>The Chief Executive Officer is delegated authority to hand over the control of bush fires to the Department of Fire and Emergency Services (DFES).</p>
<b>Council Conditions on this Delegation:</b>	<p>Must comply with relevant policies</p> <p>Does not include those matters in the Act which require a resolution of the Council, are prescribed in the Act for performance by prescribed employees or are subject to separate delegated authority within this Register.</p> <p>Only the Chief Executive Officer or the Shire President may withdraw infringement notices pursuant to s59A (3) <i>Bush Fires Act 1954</i> and r4 <i>Bush Fires (Infringements) Regulations 1958</i>.</p>
<b>Express Power to Sub-Delegate:</b>	
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Nil</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<i>Compliance Links:</i>	
<i>Record Keeping:</i>	<i>In accordance with r19 Local Government (Administration) Regulations 1996</i>

**Version Control:**

Adoption by Council 12 April 2022

<b>Delegation Title:</b>	<b>2.25 Bush Fires Act – Prohibited Burning Times</b>
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954 – s48</i>
<b>Express Power or Duty Delegated:</b>	<p><i>Bush Fires Act 1954:</i>  <i>s.17(7) Prohibited burning times may be declared by Minister</i>  <i>s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions</i>  <i>s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land</i>  <i>Bush Fire Regulations 1954:</i>  <i>r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.</i>  <i>r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times</i>  <i>r.39B Crop dusters etc., use of in restricted or prohibited burning times</i></p>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<p><b>Function:</b></p> <p><i>This is a precis only.</i></p> <p><i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	<p>The Chief Executive Officer is delegated authority to:</p> <ul style="list-style-type: none"> <li>• where seasonal conditions warrant it, determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer s.17(7).</li> <li>• determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15].</li> <li>• declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].</li> <li>• determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)].</li> <li>• issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].</li> <li>• prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].</li> </ul>
<b>Council Conditions on this Delegation:</b>	<p>Must comply with relevant policies</p> <p>Decisions under s,17(7) must be undertaken jointly by both the Shire President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).</p>
<b>Express Power to Sub-Delegate:</b>	
<p><b>Sub-Delegate/s:</b></p> <p><i>Appointed by CEO</i></p>	<b>Nil</b>



<b>CEO Conditions on this Sub-Delegation:</b>  <i>Conditions on the original delegation also apply to the sub-delegations.</i>	
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<i>Compliance Links:</i>	
<i>Record Keeping:</i>	<i>In accordance with r19 Local Government (Administration) Regulations 1996</i>

**Version Control:**

Adoption by Council 12 April 2022
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Delegation Title:	2.26 Bush Fires Act – Variations to Fire Break Orders
Express Power to Delegate:	<i>Bush Fires Act 1954 – s48</i>
Express Power or Duty Delegated:	<i>Bush Fires Act 1954 – s48</i>
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Pursuant to s48 <i>Bush Fires Act 1954</i> the Chief Executive Officer is delegated authority to vary or approve alternative arrangements to the Shire's Firebreak Orders
Council Conditions on this Delegation:	Must comply with relevant policies Maximum approval period to be twelve (12) months. CEO to consult with relevant Brigade Fire Control Officer prior to exercising this delegation.
Express Power to Sub-Delegate:	
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	
Record Keeping:	<i>In accordance with r19 Local Government (Administration) Regulations 1996</i>

**Version Control:**

Adoption by Council 12 April 2022
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<b>Delegation Title:</b>	<b>2.27 Bush Fires Act – Restricted Burning Times and other matters</b>
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954 – s48</i>
<b>Express Power or Duty Delegated:</b>	<p><i>Bush Fires Act 1954:</i></p> <p><i>s.18(5), (11) Restricted burning times may be declared by FES Commissioner</i></p> <p><i>s.22(6) and (7) Burning on exempt land and land adjoining exempt land</i></p> <p><i>s.24F Burning garden refuse during limited burning times</i></p> <p><i>s.24G Minister or local government may further restrict burning of garden refuse</i></p> <p><i>s.25 No fire to be lit in open air unless certain precautions taken</i></p> <p><i>s.25A Power of Minister to exempt from provisions of section 25</i></p> <p><i>s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions</i></p> <p><i>s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land</i></p> <p><i>s.27D Requirements for carriage and deposit of incendiary material</i></p> <p><i>Bush Fire Regulations 1954:</i></p> <p><i>r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.</i></p> <p><i>r.15C Local Government may prohibit burning on certain days</i></p> <p><i>r.27(3) Permit, issue of</i></p> <p><i>s.33 Local government may require occupier of land to plough or clear fire-breaks</i></p> <p><i>r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times</i></p> <p><i>r.39B Crop dusters etc., use of in restricted or prohibited burning times</i></p> <p><i>r.39C Welding and cutting apparatus, use of in open air</i></p> <p><i>r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc.</i></p> <p><i>r.39D Explosives, use of</i></p> <p><i>r.39E Fireworks, use of</i></p> <p><i>s.46 Bush fire control officer or forest officer may postpone lighting fire</i></p> <p><i>s.52(1) Approved area may be declared</i></p> <p><i>s.58 General penalty and recovery of expenses incurred</i></p> <p><i>s.59 Prosecution of offences</i></p> <p><i>s.59A(2) Alternative procedure – infringement notices</i></p>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>  <i>This is a precis only.</i>  <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>Pursuant to s48 <i>Bush Fires Act 1954</i> the Chief Executive Officer is delegated authority to:</p> <ul style="list-style-type: none"> <li>• where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18(5)].</li> <li>a) Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C].</li> </ul>

	<ul style="list-style-type: none"> <li>• Where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)].</li> <li>• Determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15].</li> <li>• Arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)].</li> <li>• Give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)].</li> <li>• Prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)]. <ul style="list-style-type: none"> <li>a) Issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3), r.33(5)].</li> <li>b) Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plan growing upon any land within the District [r.34].</li> </ul> </li> <li>• Provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of: <ul style="list-style-type: none"> <li>a) camping or cooking [s.25(1)(a)].</li> <li>b) conversion of bus into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)].</li> </ul> </li> <li>• Prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s.25(1a) and (1b)].</li> <li>• Serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)].</li> <li>• Give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Shire of West Arthur <ul style="list-style-type: none"> <li>a) clearing of firebreaks as determined necessary and specified in the notice; and</li> <li>b) act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and</li> <li>c) as a separate or coordinated action with any other person carry out similar actions [s.33(1)].</li> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>• Direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)].</li> <li>d) Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].</li> <li>• Declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning vary Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].</li> <li>• Appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and <ul style="list-style-type: none"> <li>a) Of those Officers, appoint 2 as the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer; and</li> <li>b) Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)].</li> </ul> </li> <li>• Issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire of West Arthur [s.38(5A)]</li> <li>• Appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)].</li> <li>• Appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].</li> <li>• Determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B].</li> <li>• Issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].</li> <li>• Prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].</li> <li>• Recover the cost of measures taken by the Shire of West Arthur or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].</li> <li>• Give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: <ul style="list-style-type: none"> <li>a) a person operating a bee smoker device during a prescribed period [r.39CA(5)].</li> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>b) a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)].</li> <li>c) a person using explosives [r.39D(2)].</li> <li>d) a person using fireworks [r.39E(3)]</li> <li>• Determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D]. <i>Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.</i></li> <li>• Prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46(1A)]. <ul style="list-style-type: none"> <li>a) Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised CALM Act office is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)].</li> </ul> </li> <li>• Apply to the Minister to have the local government district, or part of the district, declared as an approved area. [s.50(1)] (Note - The declaration of a district, or part thereof, as an approved area, results in a reduction in insurance premium of crops within that area s.53.)</li> <li>• Recover general penalty and recovery of expenses incurred s58</li> <li>• Institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59].</li> <li>• To serve an infringement notice for an offence against this Act [s.59A(2)].</li> </ul>
<b>Council Conditions on this Delegation:</b>	<p>Must comply with relevant policies</p> <p>Maximum approval period to be twelve (12) months.</p> <p>CEO to consult with relevant Brigade Fire Control Officer and Chief Bush Fire Control Officer prior to exercising this delegation.</p>
<b>Express Power to Sub-Delegate:</b>	
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:

<i>Record Keeping:</i>	<i>In accordance with r19 Local Government (Administration) Regulations 1996</i>
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**Version Control:**

Adoption by Council 12 April 2022
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Delegation Title:	2.28 Cat Act – Duties and Functions
Express Power to Delegate:	<i>Cat Act 2011 – s44</i>
Express Power or Duty Delegated:	<i>Cat Act Regulations 2012</i>
Delegate:	Chief Executive Officer
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Pursuant to s44 Cat Act 2011 the Chief Executive Officer is delegated authority to perform all duties and functions of the local government under the Cat Act 2011 and Cat Act Regulations 2012.
<b>Council Conditions on this Delegation:</b>	<p>Pursuant to s48(2) only an employee of the Shire can be appointed under s62.</p> <p>Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the Cat Act 2011.</p> <p>In relation to authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat – it should be noted this delegation does NOT provide authority to determine to reduce or waiver the fees payable in regard to any <u>class of cat</u> within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the Local Government Act 1995.</p>
Express Power to Sub-Delegate:	
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	
Record Keeping:	<i>In accordance with r19 Local Government (Administration) Regulations 1996</i>

**Version Control:**

Adoption by Council 12 April 2022



<b>Delegation Title:</b>	<b>2.29 Dog Act – Duties and Functions</b>
<b>Express Power to Delegate:</b>	<i>Dog Act 1976 – s10AA(1) and (3):</i>
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976</i>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>Pursuant to s10AA(1) of the Dog Act 1976 the Chief Executive Officer is delegated all powers and duties of the local government under the Dog Act 1976 and regulations and the Shire's Dogs Local Law.</p> <p>Pursuant to s10AA(3) of the Dog Act 1976 the Chief Executive Officer is specifically authorised to sub delegate any and all of these powers and duties to other employees or other persons.</p> <p>These delegations specifically exclude (and which must be determined by the Council):</p> <ul style="list-style-type: none"> <li>• s.33E(1) - Individual dog may be declared to be dangerous dog (declared)</li> <li>• s.33F(6) s.33G(4) s.33H(1) - Owners to be notified of making of declaration, Seizure and destruction - Local government may revoke declaration or proposal to destroy.</li> </ul>
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976</i>
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Ranger</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<i>Dog Act 1976 –s12A; s14; s29; s38; s39; s43; s47; s12A; s14; s16(2); s16(3A); s16(3); s16(3C); s16(6); s26; s33E; s33F; s33G; s33H; s39; s43A;</i>

<i>Compliance Links:</i>	
<i>Record Keeping:</i>	<i>In accordance with r19 Local Government (Administration) Regulations 1996</i>

**Version Control:**

Adoption by Council 12 April 2022

Delegation Title:	2.30 Food Act – Prohibition Orders
<b>Express Power to Delegate:</b>	<p><i>Food Act 2008:</i></p> <p><i>s.118 Functions of enforcement agencies and delegation</i></p> <p><i>(2)(b) Enforcement agency may delegate a function conferred on it</i></p> <p><i>(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]</i></p> <p><i>(4) Sub-delegation permissible only if expressly provided in regulations</i></p>
<b>Express Power or Duty Delegated:</b>	<p><i>Food Act 2008:</i></p> <p><i>s.65(1) Prohibition orders</i></p> <p><i>s.66 Certificate of clearance to be given in certain circumstances</i></p> <p><i>s.67(4) Request for re-inspection</i></p>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>  <i>This is a precis only.</i>  <i>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> <ul style="list-style-type: none"> <li>• 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>• Give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66].</li> <li>• 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> </ul>
<b>Council 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>	
<b>Sub-Delegate/s:</b>  <i>Appointed by CEO</i>	<b>Nil</b>
<b>CEO Conditions on this Sub-Delegation:</b>  <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<i>Compliance Links:</i>	
<i>Record Keeping:</i>	<i>In accordance with r19 Local Government (Administration) Regulations 1996</i>

**Version Control:**

Adoption by Council 12 April 2022

Delegation Title:	2.31 Food Act – Food Business Registrations
<b>Express Power to Delegate:</b>	<p><i>Food Act 2008:</i></p> <p><i>s.118 Functions of enforcement agencies and delegation</i></p> <p><i>(2)(b) Enforcement agency may delegate a function conferred on it</i></p> <p><i>(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]</i></p> <p><i>(4) Sub-delegation permissible only if expressly provided in regulations</i></p>
<b>Express Power or Duty Delegated:</b>	<p><i>Food Act 2008:</i></p> <p><i>s.110(1) and (5) Registration of food business</i></p> <p><i>s.112 Variation of conditions or cancellation of registration of food businesses</i></p>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>  <i>This is a precis only.</i>  <i>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> <ul style="list-style-type: none"> <li>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)].</li> <li>vary the conditions or cancel the registration of a food business [s.112].</li> </ul>
<b>Council Conditions on this Delegation:</b>	<p>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:</p> <p>Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA</p> <p>Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1</p> <p>WA Priority Classification System</p> <p>Verification of Food Safety Program Guideline</p>
<b>Express Power to Sub-Delegate:</b>	
<b>Sub-Delegate/s:</b>  <i>Appointed by CEO</i>	<b>Nil</b>
<b>CEO Conditions on this Sub-Delegation:</b>  <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<i>Compliance Links:</i>	
<i>Record Keeping:</i>	<i>In accordance with r19 Local Government (Administration) Regulations 1996</i>

**Version Control:**

Adoption by Council 12 April 2022



Delegation Title:	2.32 Food Act – Appoint Authorised Officers and Designated Officers
<b>Express Power to Delegate:</b>	<p><i>Food Act 2008:</i></p> <p><i>s.118 Functions of enforcement agencies and delegation</i></p> <p><i>(2)(b) Enforcement agency may delegate a function conferred on it</i></p> <p><i>(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]</i></p> <p><i>(4) Sub-delegation permissible only if expressly provided in regulations</i></p>
<b>Express Power or Duty Delegated:</b>	<p><i>Food Act 2008:</i></p> <p><i>s.122(1) Appointment of authorised officers</i></p> <p><i>s.126(6), (7) and (13) Infringement Officers</i></p>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>  <i>This is a precis only.</i>  <i>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> <ul style="list-style-type: none"> <li>• appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(2)].</li> <li>• 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>• 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> </ul>
<b>Council Conditions on this Delegation:</b>	<p>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:</p> <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>
<b>Express Power to Sub-Delegate:</b>	
<b>Sub-Delegate/s:</b>  <i>Appointed by CEO</i>	<b>Nil</b>
<b>CEO Conditions on this Sub-Delegation:</b>  <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<i>Compliance Links:</i>	
<i>Record Keeping:</i>	<i>In accordance with r19 Local Government (Administration) Regulations 1996</i>

**Version Control:**

Adoption by Council 12 April 2022
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<b>Delegation Title:</b>	<b>2.33 Town Planning</b>
<b>Express Power to Delegate:</b>	<i>Shire of West Arthur Local Planning Scheme No. 2 (LPS2)</i>
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995 Planning and Development Act 2005 Section 5.42(b) Planning and Development Act section 214(2), (3) or (5) Planning and Development (Local Planning Schemes) Regulations 2015</i>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>1. Any refusal to give planning approval must be determined by Council.</li> <li>2. In approving any proposal, the CEO must be satisfied that the application complies with the objectives and provisions of the Scheme and any applicable Local Planning Policy.</li> <li>3. An application may only be approved when no objections have been received to an application from any advertising or referral of the application.</li> <li>4. If it is considered that an application for the operation of a Home Occupation or Home Business might generate significant concern or could impact on the amenity of the locality, the application will be referred to the Council for determination.</li> <li>5. Any application to modify/reduce the development standards and setbacks in the Scheme (other than in accordance with the R Codes) shall be referred to Council.</li> <li>6. In approving any minor or inconsequential development application a heritage site, the CEO shall be satisfied that:</li> <li>7. There is no substantial impact from the proposal; and</li> <li>8. It is consistent with the heritage values of the site.</li> </ol>
<b>Statutory Power to Sub-Delegate:</b>	None
<b>Function Delegated</b>	<p><b>Applications for Development Approval</b></p> <ul style="list-style-type: none"> <li>• Determining if a proposal does not require approval in accordance with Clause 61 of the Deemed Provisions.</li> <li>• Determining the land use class and definition of the application.</li> <li>• Determining the application fee.</li> <li>• Determining the acceptability of the material accompanying an application under Clause 63.</li> <li>• Directing advertising of any application in accordance with Clause 65. This includes "D" applications where it is considered that there is an issue of concern.</li> <li>• Requesting the applicant to provide further information or material under Clause 65A that the Shire reasonably requires to determine the application.</li> </ul>

	<ul style="list-style-type: none"> <li>Referring the application for Development Approval to any other statutory, public or planning authority for comments under Clause 66 of the Deemed Provisions and extend the referral period.</li> <li>The granting of Development Approval with or without conditions under LPS2 to development for the purpose of a use of land mentioned in the Zoning Table of LPS2 and designated “P”.</li> <li>Issuing a Notice of Determination in accordance with Clause 70.</li> <li>Endorsing, approving any plan or document (or modification) as required by a condition of Development Approval.</li> </ul> <p><b>Heritage Places</b></p> <ul style="list-style-type: none"> <li>The approval of minor inconsequential development applications on designated heritage sites.</li> </ul> <p><b>Wellington Catchment Special Control Area</b></p> <ul style="list-style-type: none"> <li>The approval of Permitted (P) uses; Farm sheds; Single dwellings, including any extension, ancillary outbuildings and swimming pools within the Wellington Catchment Special Control Area subject to the provisions of Local Planning Policies 1 Permitted Development, 2 Rural Sheds and 3 Heritage Policy.</li> </ul> <p><b>Subdivision Applications</b></p> <ul style="list-style-type: none"> <li>Pursuant to s142 of the Planning and Development Act 2005, provide comment to the Western Australian Planning Commission (WAPC) on matters associated with subdivision applications, proposed development plans (or similar) and licence applications.</li> </ul> <p><b>Subdivision Clearances</b></p> <ul style="list-style-type: none"> <li>Pursuant to s145 of the Planning and Development Act 2005 making a recommendation to the Commission relating to the “clearance” of a subdivision condition and endorsement of a Diagram of Survey.</li> </ul>
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<i>Compliance Links:</i>	<i>Local Government Act 1995</i> <i>Shire of West Arthur LPS No. 2</i> <i>Planning and Development Act 2005</i> <i>Planning and Development Local Planning Schemes) Regulations 2015</i>
<i>Record Keeping:</i>	<i>In accordance with r19 Local Government (Administration) Regulations 1996</i>

**Version Control:**

*Adoption by Council 12 April 2022*  
*Delegation Updated at OCM 23 November 2023*



Title:	2.34 Local Laws
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>s.5.42 Delegation of some powers or duties to the CEO</li> <li>s.5.43 Limitations on delegations to the CEO</li> <li>s.9.10 Appointment of authorised persons</li> <li>s.9.11 Person found to be committing breach to give name on demand (restricted to authorised persons who are also employees)</li> </ul>
<b>Express Power or Duty Delegated:</b>	All the powers, duties, and responsibilities of the local government, in respect of all the Local Laws of the Shire of West Arthur.
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<p><b>Function:</b></p> <p><i>This is a precis only.</i></p> <p><i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	<ol style="list-style-type: none"> <li>1. The Chief Executive Officer is delegated power to exercise the duties and responsibilities of the local government in respect to all the Local Laws of the Shire of West Arthur: <ul style="list-style-type: none"> <li>• Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000</li> <li>• Animals, Environment and Nuisance Local Law 2024</li> <li>• Dogs Local Law 2000</li> <li>• Fencing Local Law 2021</li> <li>• Local Government Property Local Law 2000</li> <li>• Parking and Parking Facilities Local Law 1997</li> </ul> </li> <li>2. The Chief Executive Officer is delegated power under section 9.10 of the <i>Local Government Act 1995</i>, to appoint authorised persons, not limited to employees, for the purposes of the named local laws.</li> </ol>
<b>Council Conditions on this Delegation:</b>	<p>The CEO may not sub-delegate –</p> <ul style="list-style-type: none"> <li>• appointment of authorised persons</li> <li>• withdrawal of infringement notices</li> <li>• power to commence enforcement proceedings</li> <li>• power to deal with objections, reviews or appeals</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>s.5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<p><b>Sub-Delegate/s:</b></p> <p><i>Appointed by CEO</i></p>	<p><b>Manager Corporate Services (all matters)</b></p> <p><b>Manager Works and Services (all matters)</b></p>
<p><b>CEO Conditions on this Sub-Delegation:</b></p> <p><i>Conditions on the original delegation also apply to the sub-delegations.</i></p>	Nil

<i>Compliance Links:</i>	<i>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</i>  <i>Local laws as listed in Functions, resolved by Council</i>  <i>Delegation 2.37 Wildflower, Leaves and Branches, and Seed Harvesting from Reserves</i>  <i>Policy W4 Wildflower, Leaves and Branches, and Seed Harvesting from Reserves</i>
<i>Record Keeping:</i>	<i>In accordance with r19 Local Government (Administration) Regulations 1996</i>

**Version Control:**

Adopted: Endorsed by Council 12 April 2022  
Updated: Endorsed by Council 22 February 2024

Title:	2.35 Liquor Control Act – Certificate of Compliance (Liquor Permit)
Express Power to Delegate:	<b>Local Government Act 1995:</b> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO.
Express Power or Duty Delegated:	<i>Liquor Control Act 1988</i> S39 – Certificate of Local Government
Delegate:	<b>Chief Executive Officer</b>
Function: <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	That the Chief Executive Officer be authorised to issue Certificate of Compliance for the consumption of liquor on Council property.
Council Conditions on this Delegation:	1. Permits to expire no later than 1.00 am on the following day; 2. The requirements of the <i>Liquor Control Act 1988, Health (Misc Provisions) Act 1911, Food Act 2008, Local Government Act 1995, and Building Act 2011</i> being fully complied with.
Express Power to Sub-Delegate:	<b>Local Government Act 1995:</b> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <b>Appointed by CEO</b>	Nil
CEO Conditions on this Sub-Delegation: <b>Conditions on the original delegation also apply to the sub-delegations.</b>	
Compliance Links:	<i>Local Government Act 1995</i> <i>Liquor Control Act 1955</i>
Record Keeping:	

**Version Control:**

<b>Title:</b>	<b>2.36 Graffiti Vandalism Act – General Delegation</b>
<b>Express Power to Delegate:</b>	<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>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Pursuant to s16(1) <i>Graffiti Vandalism Act 2016</i> the Chief Executive Officer is delegated all powers and duties of the Local Government under the <i>Graffiti Vandalism Act 2016</i> .
<b>Council Conditions on this Delegation:</b>	The Chief Executive Officer is delegated authority to exercise the powers and duties of the local government in respect to: <ol style="list-style-type: none"><li>1. In accordance with s17(1) of the <i>Graffiti Vandalism Act 2016</i>, the Chief Executive Officer may only sub delegate to an employee of the Shire.</li><li>2. The CEO may not sub delegate authority to commence enforcement proceedings.</li><li>3. The CEO may not delegate authority to deal with Objections pursuant to s20, 21 and 22 of the Act</li></ol>
<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>	<b>Manager Works and Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The Manager Works and Services is sub-delegated to exercise the powers and duties of the local government under the following sections of the <i>Graffiti Vandalism Act 2016</i> : s18 Giving Notices; s19 Additional Powers; s25 Graffiti removal; s26 Powers of Entry; s27 Procedures; s28 Notice of Entry; s29 Entry under Warrant; and s30 Purpose of Entry.
<b>Compliance Links:</b>	<i>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</i>

<i>Record Keeping:</i>	<i>In accordance with r19 Local Government (Administration) Regulations 1996</i>
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**Version Control:**

Adoption by Council 12 April 2022
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<b>Title:</b>	<b>2.37 Wildflowers, Leaves and Branches, and Seed Harvesting from Reserves</b>
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p> <p>s.5.43 Limitations on delegations to the CEO</p> <p>s.9.10 Appointment of authorised persons s.9.11 Person found to be committing breach to give name on demand (restricted to authorised persons who are also employees)</p> <p><i>Land Administration Act 1997:</i></p> <p>s.55 Property in and management of roads etc</p>
<b>Express Power or Duty Delegated:</b>	Determination of applications for harvesting of wildflower, leaves and branches, and seed from road reserves and other reserves under the care, control and management of the Shire, including imposition of any conditions.
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>The Chief Executive Officer is delegated power to determine noncommercial applications to harvest of wildflower, leaves and branches, and seed from road reserves and other reserves under the care, control and management of the Shire, and may:</p> <ul style="list-style-type: none"> <li>• approve the application;</li> <li>• approve the application with conditions;</li> <li>• decline the application;</li> <li>• suspend or cancel an approved application should the circumstances warrant, in the opinion of the CEO.</li> </ul>
<b>Council Conditions on this Delegation:</b>	<p>a) The CEO may not sub-delegate suspension or cancellation of an approved application.</p> <p>b) Consideration and approval of an application to be in accordance with Policy W4 Wildflower, Leaves and Branches, and Seed Harvesting from Reserves.</p> <p>c) Applications for commercial activities are to be referred to Council for consideration.</p>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p>
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<p><b>Manager Corporate Services (all matters other than suspension or cancellation)</b></p> <p><b>Manager Works and Services (all matters other than suspension or cancellation)</b></p>

<b>CEO Conditions on this Sub-Delegation:</b>  <i>Conditions on the original delegation also apply to the sub-delegations.</i>	
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<i>Compliance Links:</i>	<i>Local Government Act 1995</i> <i>Liquor Control Act 1955</i>
<i>Record Keeping:</i>	<i>Biodiversity Conservation Act 2016 and Regulations</i> <i>Environmental Protection Act 1986</i> <i>s.51C – Unauthorised clearing of native vegetation</i> <i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i> <i>Wildlife Conservation Act 1950</i> <i>s.14 – Protection of fauna</i> <i>s.23C – Licences to take protected flora</i> <i>s.23D – Taking and sales of protected flora on private land</i> <i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places</i> <i>Local Law 2000</i> <i>Delegation 2.34 Local Laws – Administration and appointment of authorised persons</i> <i>Policy W4 Wildflower, Leaves and Branches, and Seed Harvesting from Reserves</i>
<i>Record Keeping</i>	<i>In accordance with r19 Local Government (Administration) Regulations 1996</i>

**Version Control:**

Adoption by Council 22 February 2024

Title:	2.38 Legislation – Appointment of Authorised Person
<p><b>Express Power to Delegate:</b></p>	<p><i>Local Government Act 1995:</i></p> <p>s.5.52 Delegation of some powers or duties to the CEO</p> <p>s.5.43 Limitations on delegations to the CEO</p> <p>s.9.10 Appointment of authorised persons</p> <p>includes –</p> <ul style="list-style-type: none"> <li>a) the Caravan Parks and Camping Grounds Act 1995;</li> <li>b) the Cat Act 2011;</li> <li>c) the Cemeteries Act 1986;</li> <li>d) the Control of Vehicles (Off-road Areas) Act 1978;</li> <li>e) the Dog Act 1976;</li> <li>f) subsidiary legislation made under these Acts</li> </ul> <p>s.9.11 Person found to be committing breach to give name on demand (restricted to authorised persons who are also employees)</p> <p><i>Public Health Act 2016:</i></p> <p>s.21 Enforcement agency may delegate (to CEO or authorised officer designated by the local government)</p> <p><i>Building Act 2011:</i></p> <p>s.127 Delegation of powers and duties may be made to an employee only</p> <p><i>Bush Fires Act 1954:</i></p> <p>s.17(1) delegation to determine prohibited periods (only to President and chief fire control officer jointly)</p> <p>s.48 delegation of other matters to CEO only (sub-delegation not permitted)</p> <p><i>Graffiti Vandalism Act 2016:</i></p> <p>s.16 &amp; 17 Delegation to CEO and sub-delegations</p> <p><i>Food Act 2008:</i></p> <p>s.118 Delegation</p> <p><i>Litter Act 1979:</i></p> <p>s.26 Appointment of authorised persons</p> <p><i>Shire of West Arthur Local Planning Scheme:</i></p> <p>cl.11.3 Delegation to CEO and sub-delegation</p>
<p><b>Express Power or Duty Delegated:</b></p>	<p>Appointment of authorised persons to act in accordance with the provisions of the legislation listed.</p>
<p><b>Delegate:</b></p>	<p><b>Chief Executive Officer</b></p>
<p><b>Function:</b></p> <p><i>This is a precis only.</i></p> <p><i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	<p>1. The Chief Executive Officer is delegated power to appoint employees and other persons as appropriate or necessary, to be authorised persons for the purposes of performing functions under the following Acts and associated Regulations:</p> <ul style="list-style-type: none"> <li>a) <i>Local Government Act 1995</i>, excluding –</li> </ul>



	<p>s.5.37(1) – determination that an employee or class of employee is or is not designated; and</p> <p>s.5.37(1) – appointment or termination of a person to a designated position without Council’s consent</p> <p>b) Local Government (Miscellaneous Provisions) Act 1960;</p> <p>c) Public Health Act 2016</p> <p>d) Health (Miscellaneous Provisiosions) Act 1911</p> <p>e) Building Act 2011</p> <p>f) Bush Fires Act 1954</p> <p>g) Caravan Parks and Camping Grounds Act 1995</p> <p>h) Cat Act 2008</p> <p>i) Cemeteries Act 1986</p> <p>j) Control of Vehicles (Off-road Areas) Act 1978</p> <p>k) Dog Act 1976</p> <p>l) Environmental Protection Act and Regulations 1986</p> <p>m) Food Act 2008</p> <p>n) Graffitit Vandalism Act 2016</p> <p>o) Litter Act 1979</p> <p>p) Planning and Development Act 2005</p> <p>2. The CEO is delegated power to appoint appropriate employees and other persons for the purposes of performing functions under –</p> <p>a) Local Planning Scheme</p> <p>b) Local Planning Policy</p>
<b>Council Conditions on this Delegation:</b>	<p>1. Sub-delegation of appointment of authorised persons not permitted.</p> <p>2. Appointments made by the CEO are to state the appointment period being –</p> <p>a) The duration of employment by the Shire</p> <p>b) The duration of the contract with the Shire; or</p> <p>c) Specified time, event or purpose</p> <p>3. Appointment to a position by Council or CEO, in either a substantive or temporary capacity, includes the responsibility to administer and perform the functions delegated to that position, subject to –</p> <p>a) Any limitations specified in the relevant general delegation to the person or position; and</p> <p>b) Any specific limitations imposed by the Council or CEO in making the appointment</p> <p>4. All proposals to commence prosecution are to be referred to Council for decision, unless specifically provided for under delegated power or by specific decision.</p>

<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 and as may be specified in the relevant legislation
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>None</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<b>N/A</b>

<i>Compliance Links:</i>	<i>Legislation as listed above</i>  <i>Delegation 2.34 Local Laws – Administration and appointment of authorised persons</i>
<i>Record Keeping</i>	<i>In accordance with r19 Local Government (Administration) Regulations 1996</i>

## Version Control

Adoption by Council 22 February 2024

## **Delegations from CEO to another Employee**

Title:	3.1 Destruction of Electoral Papers
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Elections) Regulations 1996:</i> r.82(4) Keeping election papers – s4.84(a)
<b>Delegate:</b>	<b>Manager Corporate Services</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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>Council Conditions on this Delegation:</b>	

<i>Compliance Links:</i>	<i>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</i>  <i>Department of Local Government, Sport and Cultural Industries: <a href="#">Returning Officer Manual</a></i>
<i>Record Keeping:</i>	<i>In accordance with r19 Local Government (Administration) Regulations 1996</i>

**Version Control:**

Adoption by Council 12 April 2022
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Title:	3.2 Determine if an Emergency Exists
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.34(2) Entry in emergency
<b>Delegate:</b>	<b>Manager Corporate Services</b> <b>Manager Works and Services</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions [s.3.34(2)].
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	Nil.
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<i>Compliance Links:</i>	<i>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</i>
<i>Record Keeping:</i>	<i>In accordance with r19 Local Government (Administration) Regulations 1996</i>

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Adoption by Council 12 April 2022

Title:	<b>3.3 Electoral Enrolment Eligibility Claims and Electoral Roll</b>
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government Act 1995:</i></p> <p>s.4.32(4), (5A) &amp; (5) Eligibility to enrol under s.4.30, how to claim</p> <p>s.4.34 Accuracy of enrolment details to be maintained</p> <p>s.4.35 Decision that eligibility to enrol under s.4.30 has ended</p> <p>s.4.37 New roll for each election</p> <p><i>Local Government (Elections) Regulations 1995:</i></p> <p>r.11(1a) Nomination of co-owners or co-occupiers — s.4.31</p> <p>r.13(2) &amp; (4) Register - s.4.32(6)</p>
<b>Delegate:</b>	<b>Manager Corporate Services</b>
<p><b>Function:</b></p> <p><i>This is a precis only.</i></p> <p><i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	<ol style="list-style-type: none"> <li>1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)].</li> <li>2. Authority to decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)].</li> <li>3. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.3.42(5A)].</li> <li>4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)].</li> <li>5. Authority to determine 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 family's safety at risk [Elections r.13(2)].</li> <li>6. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)].</li> <li>7. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34].</li> <li>8. Authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination.</li> <li>9. Authority to 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>Council Conditions on this 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).

<i>Compliance Links:</i>	<i>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</i>  <i>Department of Local Government, Sport and Cultural Industries: Returning Officer Manual</i>
<i>Record Keeping:</i>	<i>In accordance with r19 Local Government (Administration) Regulations 1996</i>

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Adoption by Council 12 April 2022
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Title:	3.4 Financial Management Systems and Procedures
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO 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 CEO's Duties as to financial management
<b>Delegate:</b>	<b>Manager Corporate Services</b>
<b>Function:</b>  <i>This is a precis only.</i>  <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to establish systems and procedures [FM r.5] that give effect to internal controls and risk mitigation for the: <ul style="list-style-type: none"> <li>a) Collection of money owed to the Shire</li> <li>b) Safe custody and security of money collected or held by the Shire,</li> <li>c) Maintenance and security of all financial records, including payroll, stock control and costing records,</li> <li>d) Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities,</li> <li>e) Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards,</li> <li>f) Making of payments in accordance with Delegated Authority 1.1.21,</li> <li>g) Preparation of budgets, budget reviews, accounts, and reports as required by legislation or operational requirements.</li> </ul>
<b>Council Conditions on this 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 at least once within each 3 financial years. [Audit r.17]</li> </ul>

<i>Compliance Links:</i>	<i>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</i>  <i>Local Government (Audit) Regulations 1996</i>  <i>Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards</i>
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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Adoption by Council 12 April 2022



Title:	3.5 Information to be Available to the Public
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO 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) &(3) Information to be available for public inspection (Acts s.5.94) r.29B Copies of certain information not to be provided (Act s.5.96) <i>Local Government Act 1995:</i> s.9.95(1)(b) & (3)(b) Limits on right to inspect local government information
<b>Delegate:</b>	<b>Manager Corporate Services</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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 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>2. Authority to determine the public right to inspect information in an agenda or minutes, by determining if the information requested would be part of the meeting which is likely to be closed to members of the public [Admin. r.29(3)].</li> <li>3. Authority to determine the manner and form by which a person may request copies of rates record information [s.5.94(m)] or owners and occupiers register and electoral rolls [s.5.94(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>4. Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s.5.95(1)(b)].</li> <li>5. Authority to determine not to provide a right to inspect information contained in notice papers, agenda, minutes, or information tabled at a meeting, where it is considered that that part of the meeting could have been closed to members of the public but was not closed [s.5.94(3)(b)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	

<i>Compliance Links:</i>	<i>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</i>
<i>Record Keeping:</i>	<i>In accordance with r19 Local Government (Administration) Regulations 1996</i>

**Version Control:**

Title:	3.6 Infringement Notices
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.9.13(6)(b) Onus of proof in vehicle offences may be shifted s.9.19 Extension of Time s.9.20 Withdrawal of Notice  <i>Building Regulations 2012:</i> Regulation 70(1A), (1), (2) Approved officers and authorised officers
<b>Delegate:</b>	<b>Ranger</b> <b>Manager Corporate Services</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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 consider an owner of a vehicle's submission that the vehicle that is subject of an infringement notice, had been stolen or unlawfully taken at the time of the alleged offence [s.9.13(6)(b)].</li> <li>2. Authority to extend the 28-day period within which payment of a modified penalty may be paid, whether or not the period of 28-days has elapsed [s.9.19].</li> <li>3. Authority to withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s.9.20].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a) A delegate who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this Delegation.</li> <li>b) Delegation for Dog Act, Cat Act, Parking Local Law, Infringement Notices is limited to the following listed positions ONLY: <ol style="list-style-type: none"> <li>i. <b>Ranger</b></li> <li>ii. <b>Manager Corporate Services</b></li> </ol> </li> <li>c) The following listed positions are delegated the functions under s.9.19 and s.9.20 only as a <u>precondition for appointment</u> as an "Approved Officer" in accordance with <i>Building Regulation 70(1)</i> for the purposes of the <i>Criminal Procedure Act 2004</i> section 6(a) and <i>Building Act 2011</i> Infringement Notices: <ol style="list-style-type: none"> <li>i. <b>CEO</b></li> </ol> </li> </ol> <p><b>NOTE: Delegates must also be appointed as an "Approved Officer"</b></p>

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

**Version Control:**

Adoption by Council 12 April 2022
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# Statutory Authorisations and Delegations to Local Government from State Government Entities

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

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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.

# Noise Management Plans – Keeping Logbooks, Noise Control Notices, Calibration and Approval of Non-Complying Events

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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.

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

**DoL FILE 1738/2002v8; 858/2001v9**

***PLANNING AND DEVELOPMENT ACT 2005***

**INSTRUMENT OF AUTHORISATION**

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

Dated the *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 Baskerville  
City of Baywater  
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 Cannington  
Shire of Capel  
Shire of Carnamah  
Shire of Carnarvon  
Shire of Chapman Valley  
Shire of Chittaring  
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 Cuse  
Shire of Cunderdin  
Shire of Dalwallinu  
Shire of Dandaragan  
Shire of Dardanup  
Shire of Denmark  
Shire of Derby/Visket Kimberley  
Shire of Donnybrook-Rainup  
Shire of Dowerbin  
Shire of Dumbleyung  
Shire of Dundas  
Town of East Fremantle  
Shire of East Pilbara  
Shire of Esperance  
Shire of Gamsbut  
City of Fremantle  
City of Greater Geraldton

Shire of Gingin  
Shire of Gnowangerup  
Shire of Goomalling  
City of Goswells  
Shire of Hall's Creek  
Shire of Harvey  
Shire of Irwin  
Shire of Jerramungup  
City of Joondalup  
Shire of Kalamunda  
City of Kalgoorlie-Boulder  
Shire of Katanning  
Shire of Kellerberrin  
Shire of Kent  
Shire of Kojonup  
Shire of Kondinin  
Shire of Koorla  
Shire of Kulin  
City of Kwinana  
Shire of Lake Grace  
Shire of Laverdon  
Shire of Leonora  
City of Mandurah  
Shire of Manjimup  
Shire of Meekatharra  
City of Meriville  
Shire of Menzies  
Shire of Merredin  
Shire of Mingenew  
Shire of Moora  
Shire of Morawa  
Town of Newman 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 Narrogin  
 Shire of Narrogin  
 Town of Nannup  
 City of Nedlands  
 Shire of Nganyinjarri  
 Shire of Northam  
 Shire of Northampton  
 Shire of Nungah  
 Shire of Peppermint Grove  
 Shire of Perenjori  
 City of Perth  
 Shire of Pingelly  
 Shire of Plantagenet  
 Town of Port Hedland  
 Shire of Qualcard  
 Shire of Ravensthorpe  
 City of Rockingham  
 Shire of Roebourne  
 Shire of Sandstone  
 Shire of Serpentine Jarrahdale  
 Shire of Shark Bay  
 City of South Perth  
 City of Stirling  
 City of Subiaco  
 City of Swan

Shire of Tammin  
 Shire of Three Springs  
 Shire of Toodyay  
 Shire of Trayning  
 Shire of Upper Gascoyne  
 Town of Victoria Park  
 Shire of Victoria Plains  
 Town of Vincent  
 Shire of Wagin  
 Shire of Wandering  
 City of Wanneroo  
 Shire of Waroona  
 Shire of West Arthur  
 Shire of Westonia  
 Shire of Wickham  
 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 Yalgoo  
 Shire of York



HON DONALD TERRENCE REDMAN MLA  
 MINISTER FOR LANDS

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

## Traffic Management - Events on Roads

A list of local governments authorised for Traffic Management for Events can be found on the Main Roads WA website [here](#)

**WESTERN AUSTRALIA**  
**ROAD TRAFFIC CODE 2000**  
**REGULATION 297(2)**  
**INSTRUMENT OF AUTHORISATION**  
  
**RELATING TO**  
**TRAFFIC MANAGEMENT FOR EVENTS**

Pursuant to Regulation 297(2) of the *Road Traffic Code 2000* the Commissioner of Main Roads ("the Commissioner") hereby authorises (Insert name of Local Government) (Authorised Body) by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such road signs of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any:

- i) "event" subject to an order from the Commissioner of Police pursuant to Part VA of the *Road Traffic Act 1974*;
- ii) race meeting or speed test for which the Minister referred to in section 83 of the *Road Traffic Act 1974* has, under that provision, temporarily suspended the operation of any provisions of the *Road Traffic Act 1974* or regulations made under that Act; or
- iii) public meeting or procession the subject of a permit granted by the Commissioner of Police under the *Public Order in Streets Act 1984*;

or as may be required for the purpose of controlling traffic on a road adjacent to, or in the vicinity of, any event or organised activity approved by the Authorised Body under its local laws, on a road (other than a main road or highway) within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Events Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Events Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the event, a copy of which can be obtained from Main Roads Western Australia from [www.mainroads.wa.gov.au](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)*

## **Traffic Management – Road Works**

A list of Local Governments authorised for the purposes of Road Traffic Code 2000 r.297(2) are available on Main Roads WA website [here](#)

### **WESTERN AUSTRALIA ROAD TRAFFIC CODE 2000 REGULATION 297(2) INSTRUMENT OF AUTHORISATION**

Pursuant to Regulation 297(2) of the Road Traffic Code 2000 the Commissioner of Main Roads ("the Commissioner") hereby authorises .....  
("Authorised Body") by itself, its employees, consultants, agents and contractors  
(together "Representatives") to, from the date indicated below, erect, establish, display,  
alter or take down such traffic signs and traffic control devices of whatsoever type or  
class (except for permanent traffic control signals) as may be required for the purpose  
and duration of any works, survey or inspection, associated with the construction,  
maintenance or repair on a road (other than a main road or highway), any adjoining land  
or any portion thereof within its jurisdiction, SUBJECT ALWAYS to the following terms  
and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Works on Roads Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Roadworks Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the relevant works, a copy of which can be obtained from Main Roads Western Australia from [www.mainroads.wa.gov.au](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



## Approval for Certain Local Government Vehicles as Special Use Vehicles



Government of Western Australia  
Department of Transport  
Driver and Vehicle Services

### **ROAD TRAFFIC (VEHICLES) ACT 2012**

*Road Traffic (Vehicles) Regulations 2014*

**RTVR-2017-202046**

#### **APPROVAL UNDER REGULATION 327(4)(f) FOR CERTAIN LOCAL GOVERNMENT VEHICLES AS SPECIAL USE VEHICLES**

Pursuant to the *Road Traffic (Vehicles) Regulations 2014* (the *Regulations*), I, Christopher Davers, Assistant Director Strategy and Policy, Driver and Vehicle Services, Department of Transport, and delegate of the Chief Executive Officer of the Department of Transport by way of a delegation instrument dated 7 August 2017, hereby approve vehicles owned by a local government and ordinarily used by persons authorised or appointed by that local government to perform functions on its behalf under:

- (a) the *Local Government Act 1995*;
- (b) regulations made under the *Local Government Act 1995*;
- (c) a local law;
- (d) any other legislation empowering a local government to authorise or appoint persons to perform functions on the behalf of the local government (including but not limited to the *Dog Act 1976*); or
- (e) any combination of the above paragraphs (a) to (d);

as special use vehicles for the purposes of paragraph "f" of the definition of "*special use vehicle*" in regulation 327(4) of the *Regulations*, with the effect that those vehicles may be fitted with one or more yellow flashing lights under regulation 327(3)(b) of the *Regulations*, subject to the following conditions:

#### **CONDITIONS**

1. Those lights must emit rotating, flashing yellow coloured light(s) and must not be a strobe light.
2. At least one flashing light shall be mounted on top of the vehicle and when lit, shall be visible in normal daylight up to a distance of not less than 200 metres to vehicles approaching from any direction.
3. No part of the lens of the flashing lights is visible either directly or indirectly to the driver when seated in the normal driving position.
4. If more than one flashing light is fitted, they must be placed symmetrically about the centre line of the vehicle or combination of vehicles.
5. An on/off switch for the flashing lights must be installed so as to be easily operated from the driver's seat.
6. Any additional equipment fitted to the vehicle must not interfere with the overall safe operation of the vehicle.
7. Any vehicle fitted with flashing lights for the purposes of this approval must:



Government of **Western Australia**  
Department of **Transport**

**Driver and Vehicle Services**

- (a) have words clearly set out on the sides of the vehicle which state the name of the local government in question together with the words "Ranger", "Ranger Services", or words to similar unambiguous effect; and
- (b) where the vehicle is a station wagon or van, have the words "Ranger", "Ranger Services", or words to similar unambiguous effect clearly set out on the back of the vehicle.

This condition 7 is not intended to prevent the use of additional words on the vehicle.

Christopher Davers  
Assistant Director, Strategy and Policy  
Driver and Vehicle Services  
Department of Transport

Dated the 5<sup>th</sup> day of September 2017

[Approval for ranger vehicles to fit and use yellow flashing lights\(transport.wa.gov.au\)](http://transport.wa.gov.au)

Extracted online on 15 March 2021