# Register of Delegations, Authorisations and Appointments




SHIRE OF MANJIMUP

www.manjimup.wa.gov.au
Cnr Rose and Brockman Streets, Manjimup WA

## Introduction

Local Governments have responsibility for decision making assigned under a wide range of legislation. Each power or duty described in legislation requires Local Governments to fulfil a mandatory duty, or use a discretionary power to make these decisions. Delegation is the process that enables Local Governments to delegate its power or duties. Delegation enables efficient and effective strategic, financial and operational management decisions to be made.

The delegations contained within this Register are made pursuant to the below listed legislation. Delegations made by Council are by absolute majority decision:

- *Local Government Act 1995* s.5.16 & s.5.42
- *Building Act 2011* s.127(1) & (3)
- *Bush Fires Act 1954* s.48
- *Cat Act 2011* s.44 & s.45
- *Dog Act 1976* s.10AA
- *Environmental Protection Act 1986* s.20
- *Food Act 2008* s.118 (2)(b)
- *Graffiti Vandalism Act 2016* s.16 &s s.17
- *Planning and Development Act 2005* s.16 & s.265
- *Public Health Act* 2016 s.21(1)(b)

Where listed, some of these functions are hereby delegated by the Chief Executive Officer to Shire of Manjimup employees (sub-delegated) pursuant to Section 5.44 of the *Local Government Act 1995* and other legislation where specified.

## Standard Conditions of Delegations

All delegations are subject to the following Standard Conditions:

- In exercising delegation, the Chief Executive Officer shall comply with all laws and regulations in force in Western Australia and the requirements of any, and all local laws and policies of the Shire of Manjimup; and
- In exercising delegation, the Chief Executive Officer shall exercise the delegation in accordance with any budget authority where applicable; and
- Delegated authority cannot be exercised where a financial interest or interest affecting impartiality is evident; and
- Delegates are designated employees under section 5.74 of the *Local Government Act 1995* and are required to provide Primary and Annual Returns; and
- Pursuant to section 5.46 of the *Local Government Act 1995* and Regulation 19 of the *Local Government (Administration) Regulations 1996*, the Office of the Chief Executive Officer shall keep records of exercising the delegation on all occasions that a delegation is exercised.

## Discharge of Delegation

If a person is exercising a power or duty that they have been delegated, legislation requires them to keep a written record of the power or discharge of the duty.

The written record is to contain:

- How the person exercised the power or discharged the duty; and
- 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.

# Version Control

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# 1. Local Government Act 1995 Delegations

## 1.1. Council to CEO

### 1.1.1. Appointment of Acting Chief Executive Officer

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995:*<br>• Section 5.42- Delegation of some powers or duties to the CEO<br>• Section 5.43- Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government Act 1995:*<br>• Section 5.36(1)(a) Local government employees |
| Delegate: | Chief Executive Officer |
| Function: | 1. Appoint an acting Chief Executive Officer. |
| Conditions on this Delegation: | a. The Chief Executive Officer may appoint a Senior Employee to be authorised to act as the Chief Executive Officer up to 4 consecutive weeks at any time. |
| Express Power to Sub-Delegate: | Nil |
| Policy / Compliance Links: | • *Local Government Act 1995*<br>• Council Policy 2.1.3 *Appointment of Acting and Temporary Chief Executive Officer*<br>• Council Policy 2.1.4 *Designation of Senior Employees* |

## 1.1.2. Council to CEO Delegations during 'End of Year Recess'

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995:*<br>• Section 5.42- Delegation of some powers or duties to the CEO<br>• Section 5.43- Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government Act 1995:*<br>• Section 5.36(1)(a) Local government employees |
| Delegate: | Chief Executive Officer |
| Function: | 1. Conditional authority to determine matters arising during Council's 'End of Year Recess' which cannot be held-over to the first Ordinary Council Meeting of the subsequent year. |
| Council Conditions on this Delegation: | a. The 'End of Year Recess' period is the period following the final Ordinary Council Meeting of a calendar year through to the first Ordinary Council Meeting of the subsequent calendar year.<br>b. Subject to restrictions below:<br>i. Any matter that arises during the delegated period and which cannot be held-over due to statutory timeframes.<br>ii. Any matter advertised for public comment to which no objection has been received.<br>iii. Preclusion of those matters with delegation prohibition under the Local Government Act 1995.<br>iv. A report being presented to the first Ordinary Council Meeting of the subsequent financial year detailing any such delegations exercised. |
| Express Power to Sub-Delegate: | Nil |
| Policy / Compliance Links: | *Local Government Act 1995* |

## 1.1.3. Authorise Persons to Perform Specified Functions under the Local Government Act 1995

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995:*<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government Act 1995*:<br>• s.3.24 Authorising persons under this Subdivision<br>• s.3.31(2) General Procedure for entering property<br>• s.3.39(1) Power to remove and impound<br>• s.3.40A(1) Abandoned vehicle wreck may be taken<br>• s.9.24(1)(c) and (2)(b) Prosecutions, commencing<br><br>*Local Government (Miscellaneous Provisions) Act 1960:*<br>• s.449 Pounds, establishing; pound keepers and rangers, appointing |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to authorise persons for the purposes of Part 3, Division 3, Subdivision 2 – Certain provisions about land – to exercise the Local Government's powers under s.3.25 to 3.27 inclusive, to issue and administer notices requiring certain things to be one by owner or occupier of land [s.3.24].<br>2. Authority to authorise persons to enter onto land, premises or thing, without consent of the owner / occupier, unless the owner / occupier objects [s.3.31(2)].<br>3. Authority to authorise an employee to remove and impound any goods that are involved in a contravention that can lead to impounding [s.3.39(1)].<br>4. Authority to authorise an employee to remove and impound a vehicle that has been determined as an abandoned vehicle wreck *[s.3.40A(1)]*.<br>5. Authority to appoint fit and proper persons as pound keepers or rangers *[Misc.Prov.s.449]*. |
| Council Conditions on this Delegation: | a. A register of Authorisations is to be maintained as a Local Government Record.<br>b. Only persons who are appropriately qualified and trained may be authorised to perform relevant functions.<br>c. Authorisations are to be provided in writing by issuing a Certificate of Authorisation.<br>d. Function 4 is not to be sub-delegated<br>e. Any decision to initiate legal proceedings is not delegated and must be made by the Council. |
| Express Power to Sub-Delegate: | *Local Government Act 1995:*<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s Appointed by CEO: | Nil |
| CEO Conditions on this Sub-Delegation: | N/A |
| Policy / Compliance Links: | *Local Government Act 1995* |

## 1.1.4. Performing Functions Outside the District

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995*:<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government Act 1995*:<br>• s.3.20(1) Performing functions outside district. |
| Delegate: | Chief Executive Officer |
| Function: | 1. Determine the circumstances where it is appropriate for the Local Government's functions to be performed outside the District and prior to implementing such a decision, obtain the consent of the landowner/s and occupier/s and any other person that has control or management of the land impacted by the performance of the function [s.3.20(1)]. |
| Conditions on this Delegation: | a. A decision to undertake a function outside the District, can only be made under this delegation where there is a relevant allocation within the Annual Budget and the performance of the functions does not negatively impact service levels within the District. Where these conditions are not met the matter must be referred for Council decision. |
| Express Power to Sub-Delegate: | *Local Government Act 1995*:<br>• s.5.44 CEO may delegate some powers and duties to other employees. |
| Sub-Delegate/s Appointed by CEO: | Nil |
| CEO Conditions on this Sub-Delegation: | N/A |
| Policy / Compliance Links: | *Local Government Act 1995* |

## 1.1.5. Compensation for Damage Incurred when Performing Executive Functions

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995*:<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government Act 1995*:<br>• s.3.22(1) Compensation<br>• s.3.23 Arbitration |
| Delegate: | Chief Executive Officer |
| Function: | 1. In accordance with the s.3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of executive functions and make payment of compensation [s.3.22(1)].<br>2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23. |
| Council Conditions on this Delegation: | a. Delegation is limited to settlements which do not exceed a value of $7,500. |
| Express Power to Sub-Delegate: | *Local Government Act 1995*:<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s Appointed by CEO: | Nil |
| CEO Conditions on this Sub-Delegation: | N/A |
| Policy / Compliance Links: | *Local Government Act 1995* |

## 1.1.6. Powers of Entry

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995:*<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government Act 1995*:<br>• s.3.28 When this Subdivision applies<br>• s.3.32 Notice of entry<br>• s.3.33 Entry under warrant<br>• s.3.34 Entry in an emergency<br>• s.3.36 Opening fences |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to exercise powers of entry to enter onto land to perform any of the Local Government functions under this Act, other than entry under a Local Law [s.3.28].<br>3. Authority to give notice of entry [s.3.32].<br>4. Authority to seek and execute an entry under warrant [s.3.33].<br>5. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)].<br>6. Authority to give notice and effect entry by opening a fence [s.3.36]. |
| Council Conditions on this Delegation: | a. Delegated authority under s.3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property.<br>b. When exercising authority to authorise persons under s.3.31(2):<br>i. A register of Authorisations is to be maintained as a Local Government Record.<br>ii. Only persons who are appropriately qualified and trained may be appointed as Authorised persons.<br>iii. Authorisations are to be provided in writing by issuing a Certificate of Authorisation. |
| Express Power to Sub-Delegate: | *Local Government Act 1995*:<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s Appointed by CEO: | • Director Development Services<br>• Community Emergency Services Manager |
| CEO Conditions on this Sub-Delegation: | a. Community Emergency Services Manager is authorised to perform Function 4 only. |
| Policy / Compliance Links: | *Local Government Act 1995:*<br>• Authorise person – refer s.3.31(2)<br>• Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry<br>• s.3.34(2) Entry in an emergency – Refer to CEO Delegation *Determine if an Emergency for Emergency Powers of Entry* |

## 1.1.7. Declare Vehicle is Abandoned Vehicle Wreck

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995:*<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government Act 1995*:<br>• s.3.40A(4) Abandoned vehicle wreck may be taken |
| Delegate: | Chief Executive Officer |
| Function: | 1. Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)]. |
| Council Conditions on this Delegation: | a. Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.1.7 Confiscated or Uncollected Goods or alternatively, referred for Council decision.<br>b. NOTE: declared abandoned vehicle wreck may only be removed and impounded by a person duly authorised under s.3.40A(1). Authority to appoint authorised person for this purpose may be delegated refer Delegated Authority 1.1.2 Authorise Persons to Perform Specified Functions. |
| Express Power to Sub-Delegate: | *Local Government Act 1995*:<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s Appointed by CEO: | • Director Development Services<br>• Community Emergency Services Manager<br>• Senior Ranger |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | *Local Government Act 1995* |

## 1.1.8. Confiscated or Uncollected Goods

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995:*<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government Act 1995*:<br>• s.3.46 Goods May be withheld until costs paid<br>• s.3.47 Confiscated or uncollected goods, disposal of<br>• s.3.48 Impounding expenses, recovery of |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government [s.3.46].<br>2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47].<br>3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48]. |
| Council Conditions on this Delegation: | a. Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than $20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable.<br>b. NOTE – declared abandoned vehicle wreck may only be removed and impounded by a person duly authorised under s.3.40A(1). Authority to appoint authorised person for this purpose may be delegated - refer Delegated Authority 1.1.2 Authorise Persons to Perform Specified Functions. |
| Express Power to Sub-Delegate: | *Local Government Act 1995*:<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s Appointed by CEO: | • Director Community Services<br>• Director Business<br>• Director Development Services<br>• Director Infrastructure Services |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | *Local Government Act 1995*<br>Part 3, Division 3, Subdivision 3<br>s.3.58 Disposing of Property – applies to the sale of goods under s.3.47 as if they were property referred to in that section |

## 1.1.9. Disposal of Sick or Injured Animals

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995*:<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government Act 1995*:<br>• s.3.47A Sick or injured animals, disposal of<br>• s.3.48 Impounding expenses, recovery of |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)].<br>2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48]. |
| Council Conditions on this Delegation: | a. Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed. |
| Express Power to Sub-Delegate: | *Local Government Act 1995:*<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s Appointed by CEO: | • Director Development Services<br>• Community Emergency Services Manager<br>• Senior Ranger<br>• Ranger(s) |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • *Local Government Act 1995*<br>• *Shire of Manjimup Cat Local Law 2021* (as amended)<br>• *Shire of Manjimup Dogs Local Law 2004* (as amended) |

## 1.1.10. Close Thoroughfares to Vehicles

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | Local Government Act 1995:<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | Local Government Act 1995:<br>• s.3.50 Closing certain thoroughfares to vehicles<br>• s.3.50A Partial closure of thoroughfare for repairs or maintenance<br>• s.3.51 Affected owners to be notified of certain proposals |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)].<br>2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to:<br>i. give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and<br>ii. consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)].<br>3. Authority to revoke an order to close a thoroughfare [s.3.50(6)].<br>4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A].<br>5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s3.51]. |
| Council Conditions on this Delegation: | a. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)].<br>b. Maintain access to adjoining land [s.3.52(3)].<br>c. Limited to temporary road closures only. Permanent closure of roads must be determined by Council and subject to compliance with *Land Administration Act 1987*, s.58. |
| Express Power to Sub-Delegate: | Local Government Act 1995:<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s Appointed by CEO: | • Director Infrastructure Services<br>• Manager Works<br>• Manager Technical Services |
| CEO Conditions on this Sub-Delegation: | a. Manager Works and Manager Technical Services are authorised to perform partial thoroughfare closure only. |
| Policy / Compliance Links: | *Local Government Act 1995* |

## 1.1.11. Control Reserves and Certain Unvested Facilities

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|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995*:<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government Act 1995*:<br>• s.3.53(3) Control of certain unvested facilities<br>• s.3.54(1) Reserves under control of local government |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)].<br>2. Authority to do anything for the purpose of controlling and managing land under the control and management of the Shire of Manjimup that the Shire of Manjimup could do under s.5 of the Parks and Reserves Act 1895. [s.3.54(1)]. |
| Council Conditions on this Delegation: | a. Limited to matters where the financial implications do not exceed a relevant and current budget allocation, and which do not create a financial liability in future budgets. |
| Express Power to Sub-Delegate: | Local Government Act 1995:<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s Appointed by CEO: | • Director Infrastructure Services |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • *Local Government Act 1995*<br>• *Parks and Reserves Act 1985* |

## 1.1.12. Obstruction of Footpaths and Thoroughfares

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995*:<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government (Uniform Local Provisions) Regulations 1996*:<br>• r.5(2) Interfering with, or taking from, local government land<br>• r.6 Obstruction of public thoroughfare by things placed and left Sch. 9.1 cl. 3(1)(a)<br>• r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b)<br>• r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2) |
| Delegate: | Chief Executive Officer |
| Function: | 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:<br>i. prevent damage to the footpath; or<br>ii. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)].<br>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)].<br>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)].<br>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].<br>5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7]. |
| Council Conditions on this Delegation: | a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.<br>b. Permission may only be granted where, the proponent has:<br>i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.<br>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works.<br>iii. Provided evidence of sufficient Public Liability Insurance.<br>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. |
| Express Power to Sub-Delegate: | *Local Government Act 1995*:<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s Appointed by CEO: | • Director Development Services<br>• Director Infrastructure Services |

| | |
|---|---|
| | • Manager Park Operations<br>• Manager Technical Services<br>• Community Emergency Services Manager<br>• Coordinator Park Operations<br>• Senior Ranger<br>• Ranger(s) |
| CEO Conditions on this Sub-Delegation: | a. Coordinator Park Operations, Senior Ranger, and Ranger(s) are authorised to perform Functions 4 & 5 only. |
| Policy / Compliance Links: | • *Local Government (Uniform Local Provisions) Regulations 1996*<br>• Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995*<br>• *Shire of Manjimup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2002*<br>• Refer to CEO Delegation - *Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare* |

## 1.1.13. Gates Across Public Thoroughfares

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|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995*:<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government (Uniform Local Provisions) Regulations 1996*:<br>• r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1) |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)].<br>2. Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)].<br>3. Authority to impose conditions on granting permission [ULP r.9(4)].<br>4. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)].<br>5. Authority to cancel permission by written notice and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9(6)]. |
| Council Conditions on this Delegation: | a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.<br>b. Each approval provided must be recorded in the Shire of Manjimup's statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8. |
| Express Power to Sub-Delegate: | *Local Government Act 1995*:<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s Appointed by CEO: | • Director Infrastructure Services<br>• Manager Technical Services |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • *Local Government (Uniform Local Provisions) Regulations 1996* – prescribe applicable statutory procedures<br>• Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995* |

## 1.1.14. Public Thoroughfare – Dangerous Excavations

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995:*<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government (Uniform Local Provisions) Regulations 1996*:<br>• r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6 |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)].<br>2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)].<br>3. Authority to impose conditions on granting permission [ULP r.11(6)].<br>4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)]. |
| Council Conditions on this Delegation: | a. Actions under this Delegation must comply with procedural requirements detailed in the *Local Government (Uniform Local Provisions) Regulations 1996*.<br>b. Permission may only be granted where, the proponent has:<br>i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works.<br>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works.<br>iii. Provided evidence of sufficient Public Liability Insurance.<br>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. |
| Express Power to Sub-Delegate: | *Local Government Act 1995*:<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s Appointed by CEO: | • Director Infrastructure Services<br>• Manager Technical Services |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • Determination of Bond Value and Conditions - refer to CEO Delegation – *Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares*<br>• *Local Government (Uniform Local Provisions) Regulations 1996* – prescribe applicable statutory procedures<br>• Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995* |

## 1.1.15. Crossing – Construction, Repair and Removal

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995*:<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government (Uniform Local Provisions) Regulations 1996*:<br>• r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7(2)<br>• r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3) |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r,12(1)].<br>2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)].<br>3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)].<br>4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)]. |
| Council Conditions on this Delegation: | a. Actions under this Delegation must comply with procedural requirements detailed in the *Local Government (Uniform Local Provisions) Regulations 1996*.<br>b. To be assessed in accordance with the Shire's Construction of Crossover requirements. |
| Express Power to Sub-Delegate: | Local Government Act 1995:<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s Appointed by CEO: | • Director Infrastructure Services<br>• Manager Technical Services |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • *Local Government (Uniform Local Provisions) Regulations 1996* prescribe applicable statutory procedures<br>• Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995*<br>• Refer also Delegation 1.2.1 – *Administration of Local Laws* |

## 1.1.16. Private Works on, over or under Public Places

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|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995*:<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government Act 1995*:<br>• r.17 Private works on, over, or under public places – Sch.9.1 cl.8 |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)].<br>2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)]. |
| Council Conditions on this Delegation: | a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.<br>b. Permission may only be granted where, the proponent has:<br>i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works.<br>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works.<br>iii. Provided evidence of sufficient Public Liability Insurance.<br>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. |
| Express Power to Sub-Delegate: | Local Government Act 1995:<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s Appointed by CEO: | • Director Infrastructure Services<br>• Manager Technical Services<br>• Director Development Services<br>• Manager Planning Services |
| CEO Conditions on this Sub-Delegation: | a. Director Development Services and Manager Planning Services are authorised to perform the above listed functions when linked to a Development Approval (DA) only. |
| Policy / Compliance Links: | • *Local Government (Uniform Local Provisions) Regulations* 1996 – prescribe applicable statutory procedures<br>• Determination of Bond Value and Conditions - refer to CEO Delegation - Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places<br>• Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995* |

## 1.1.17. Works Required for Supply of Gas or Water

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|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995*:<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government (Uniform Local Provisions) Regulations 1996:*<br>• r.20(1) Works required for supply of gas or water — Sch. 9.1 cl. 11 |
| Delegate: | Chief Executive Officer |
| Function: | 1. Where the Local Government is responsible for supplying water or gas, authority to carry out works that are necessary for the purpose of providing, maintaining or modifying the supply system . |
| Council Conditions on this Delegation: | a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.<br>b. Works may only be undertaken where there is an approved budget allocation. |
| Express Power to Sub-Delegate: | Local Government Act 1995:<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s Appointed by CEO: | • Director Development Services |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • *Local Government (Uniform Local Provisions) Regulations* 1996 – prescribe applicable statutory procedures |

## 1.1.18. Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995*:<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government (Uniform Local Provisions) Regulations 1996:*<br>• r.21(1) Wind erosion and sand drifts – Sch.9.1 cl.12 |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to give notice to a land owner / occupier if it is considered that clearing the owner / occupier's land may cause local government land with a common boundary, to be adversely affected by wind erosion or sand drift *[ULP r.21(1)]*. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | Local Government Act 1995:<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s Appointed by CEO: | • Director Development Services<br>• Director Infrastructure Services |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • *Local Government (Uniform Local Provisions) Regulations* 1996 – prescribe applicable statutory procedures<br>• Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995* |

## 1.1.19. Tenders for Goods and Services – Call Tenders

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995*:<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government Act 1995*:<br>• s.3.57 Tenders for providing goods or services<br><br>*Local Government (Functions and General) Regulations 1996*:<br>• r.11(1), (2) When tenders have to be publicly invited<br>• r.13 Requirements when local government invites tenders though not required to do so<br>• r.14 Publicly inviting tenders, requirements for |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to call tenders [F&G r.11(1)].<br>2. Authority to invite tenders although not required to do so [F&G r.13].<br>3. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)].<br>4. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)].<br>5. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)]. |
| Council Conditions on this Delegation: | 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:<br>a. the proposed goods or services are required to fulfil a routine contract related to the day-to-day Infrastructure Services of the Local Government; or<br>b. a current supply contract expiry is imminent; and<br>c. the value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and<br>d. the tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council. |
| Express Power to Sub-Delegate: | *Local Government Act 1995*:<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s Appointed by CEO: | • Director Business<br>• Director Community Services<br>• Director Development Services<br>• Director Infrastructure Services |
| CEO Conditions on this Sub-Delegation: | a. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities.<br>b. Sub-delegates must provide advice to the CEO prior to calling for tender. |
| Policy / Compliance Links: | • *Local Government (Functions and General) Regulations 1996* prescribe applicable statutory procedures<br>• WALGA Subscription Service – Procurement Toolkit<br>• Council Policy 2.3.5 *Purchasing Policy* |

| | |
|---|---|
| | • Council Policy 2.3.6 *Tendering Policy* |

## 1.1.20. Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995*:<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government Act 1995*:<br>• s.3.57 Tenders for providing goods or services<br><br>*Local Government (Functions and General) Regulations 1996*:<br>• r.11(2)(j) Exercising contract extension options<br>• r.18(2), (4), (4a), (5), (6) and (7) Rejecting and accepting tenders<br>• r.20(1), (2), (3) Variation of requirements before entry into contract<br>• r.21A Varying a contract for the supply of goods or services |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender [F&G.r.18(2)].<br>2. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)].<br>3. Authority to assess, by written evaluation, tenders that have not been rejected, to determine:<br>i. The extent to which each tender satisfies the criteria for deciding which tender to accept; and<br>ii. To accept the tender that is most advantageous within the $250,000 detailed as a condition on this Delegation [F&G r.18(4)].<br>4. Authority to decline to accept any tender [F&G r.18(5)].<br>5. Authority to accept the next most advantageous tender if, within 6-months of accepting a tender, a contract has not been entered into OR the local government and the successful tenderer agree to terminate the contract [F&G r.18(6) & (7)].<br>6. Authority to determine whether variations in goods and services required are minor variations, and to negotiate with the successful tenderer to make minor variations before entering into a contract [F&G r.20(1) and (3)].<br>7. Authority to choose the next most advantageous tender to accept, if the chosen tenderer is unable or unwilling to form a contract to supply the varied requirement OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer [F&G r.20(2)].<br>8. Authority to vary a tendered contract, after 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 a maximum of $50,000 whichever is the lesser value [F&G r.21A(a)].<br>[**Delegated Authority to June 2027** - Authority to vary a tendered contract, after 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 20% or to a maximum of $100,000 per contract or contract panellist, whichever is the lesser value – *refer Council Resolution 29939 24 June 2026*] [F&G r.21A(a)].<br>9. Authority to exercise a contract extension option that was included in the original tender specification and contract in accordance with r.11(2)(j). |

| | |
|---|---|
| Council Conditions on this Delegation: | a. Exercise of authority under F&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.<br>b. In accordance with s.5.43(b), tenders may only be accepted under this delegation, where:<br>i. The total consideration under the resulting contract is $250,000 or less;<br>ii. The expense is included in the adopted Annual Budget; and<br>iii. The tenderer has complied with requirements under F&G r.18(2) and (4).<br>c. A decision to vary a tendered contract before entry into the contract [F&G r.20(1) and (3)] must include evidence that the variation is minor in comparison to the total goods or services that tenderers were invited to supply.<br>d. A decision to vary a tendered contract after entry into the contract *[F&G r.21A(a)]* must comply with the adopted Council Policy 2.3.6 *Tendering Policy* and must include evidence that the variation is necessary and does not change the scope of the contract.<br>e. A decision to renew or extend the contract must only occur where the original contract contained the option to renew or extend its term as per r.11(2)(j) and that the contractor's performance has been reviewed and the review evidences the rationale for entering into the extended term. |
| Express Power to Sub-Delegate: | *Local Government Act 1995*:<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s Appointed by CEO: | • Director Business<br>• Director Community Services<br>• Director Development Services<br>• Director Infrastructure Services |
| CEO Conditions on this Sub-Delegation: | a. Sub-delegates are authorised to perform Functions 1, 2, 3, 6, 8 and 9 only.<br>b. Function 6 may only be performed with the agreement of the Probity Officer.<br>c. 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. |
| Policy / Compliance Links: | • *Local Government (Functions and General) Regulations 1996* prescribe applicable statutory procedures<br>• WALGA Subscription Service – Procurement Toolkit<br>• Council Policy 2.3.5 *Purchasing Policy*<br>• Council Policy 2.3.6 *Tendering Policy* |

## 1.1.21. Tenders for Goods and Services - Exempt Procurement

<table>
<tr><td>Delegator:</td><td>Local Government</td></tr>
<tr><td>Express Power to Delegate:</td><td>Local Government Act 1995:<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO</td></tr>
<tr><td>Express Power or Duty Delegated:</td><td>Local Government Act 1995:<br>• s.3.57 Tenders for providing goods or services<br><br>Local Government (Functions and General) Regulations 1996:<br>• r.11(2) When tenders have to be publicly invited (exemptions)</td></tr>
<tr><td>Delegate:</td><td>Chief Executive Officer</td></tr>
<tr><td>Function:</td><td>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)].<br>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)].</td></tr>
<tr><td>Council Conditions on this Delegation:</td><td>a. Tender exempt procurement under F&G.r.11(2) may only be approved where the total consideration under the resulting contract is expected to be less than the maximum amounts specified for the following categories:
<table>
<tr><th>Category</th><th>Maximum Value for individual contracts</th></tr>
<tr><td>WALGA Preferred Supplier Program [F&G.r.11(2)(b)]</td><td>None</td></tr>
<tr><td>Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)]</td><td>$250,000</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&G.r.11 (2)(f)]</td><td>$100,000 with CEO approval as per Council Policy</td></tr>
<tr><td>Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]</td><td>None</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&G.r.11(2)(h)]</td><td>$250,000 or less*<br>*as specified in F&G.r.11(2)(h)(ii)</td></tr>
<tr><td>Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)]</td><td>$250,000</td></tr>
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| | b. Tender exempt procurement under F&G r.11(2)(f) may only be approved where a record is retained that evidences:<br>i. A detailed specification;<br>ii. The outcomes of market testing of the specification;<br>iii. The reasons why market testing has not met the requirements of the specification;<br>iv. Rationale for why the supply is unique and cannot be sourced through other suppliers; and<br>v. The expense is included in the adopted Annual Budget.<br>c. Where the total consideration of a Tender Exempt procurement contract exceeds the amounts delegated above, the decision is to be referred to Council. |
| Express Power to Sub-Delegate: | *Local Government Act 1995*:<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s Appointed by CEO: | Nil |
| CEO Conditions on this Sub-Delegation: | N/A |
| Policy / Compliance Links: | • *Local Government (Functions and General) Regulations 1996* – prescribe applicable statutory procedures<br>• WALGA Subscription Service – Procurement Toolkit<br>• Council Policy 2.3.5 *Purchasing Policy*<br>• Council Policy 2.3.6 *Tendering Policy* |

## 1.1.22. Expressions of Interest for Goods and Services

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995*:<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government Act 1995*:<br>• s.3.57 Tenders for providing goods or services<br><br>*Local Government (Functions and General) Regulations 1996*:<br>• r.21 Limiting who can tender, procedure for<br>• r.23 Rejecting and accepting expressions of interest to be acceptable tenderer |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21].<br>2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r.23]. |
| Council Conditions on this Delegation: | a. Nil |
| Express Power to Sub-Delegate: | *Local Government Act 1995*:<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s Appointed by CEO: | Nil |
| CEO Conditions on this Sub-Delegation: | N/A |
| Policy / Compliance Links: | • *Local Government (Functions and General) Regulations 1996* – prescribe applicable statutory procedures<br>• WALGA Subscription Service – Procurement Toolkit<br>• Council Policy 2.3.5 *Purchasing Policy*<br>• Council Policy 2.3.6 *Tendering Policy* |

## 1.1.23. Panels of Pre-Qualified Suppliers for Goods and Services

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995*:<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government (Functions and General) Regulation 1996*:<br>• r.24AB Local government may establish panels of pre-qualified suppliers<br>• r.24AC(1)(b) Requirements before establishing panels of pre-qualified suppliers<br>• r.24AD(3) & (6) Requirements when inviting persons to apply to join panel of pre-qualified suppliers<br>• r.24AH(2), (3), (4) and (5) Rejecting and accepting applications to join panel of pre-qualified suppliers<br>• r.24AJ(1) Contracts with pre-qualified suppliers |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to determine that there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [F&G r.24AC(1)(b)].<br>2. Authority to, before inviting submissions, determine the written criteria for deciding which application should be for inclusion in a panel of pre-qualified suppliers should be accepted [F&G r.24AD(3)].<br>3. Authority to vary panel of pre-qualified supplier information after public notice inviting submissions has been given, taking reasonable steps to each person who has enquired or submitted an application is provided notice of the variation [F&G r.24AD(6)].<br>4. Authority to reject an application without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation [F&G r.24AH(2)].<br>5. Authority to assess applications, by written evaluation of the extent to which the submission satisfies the criteria for deciding which applicants to accept, and decide which applications to accept as most advantageous [F&G r.24AH(3)].<br>6. Authority to request clarification of information provided in a submission by an applicant [F&G r.24AH(4)].<br>7. Authority to decline to accept any application [F&G r.24AH(5).<br>8. Authority to enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services [F&G r.24AJ(1)]. |
| Council Conditions on this Delegation: | a. In accordance with the Shire's Regional Price Preference and Purchasing policies. |
| Express Power to Sub-Delegate: | *Local Government Act 1995*:<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s Appointed by CEO: | • Director Business<br>• Director Community Services<br>• Director Development Services<br>• Director Infrastructure Services |
| CEO Conditions on this Sub-Delegation: | a. Sub-delegates are not authorised to perform Function 1. |

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| Policy / Compliance Links: | • *Local Government (Functions and General) Regulations 1996* -prescribe applicable statutory procedures<br>• WALGA Subscription Service – Procurement Toolkit<br>• Council Policy 2.3.5 *Purchasing Policy*<br>• Council Policy 2.3.6 *Tendering Policy* |

## 1.1.24. Application of Regional Price Preference Policy

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995*:<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government (Functions and General) Regulations 1996:*<br>• r.24G Adopted regional price preference policy, effect of |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to decide when not to apply the regional price preference policy to a particular future tender [F&G r.24G]. |
| Council Conditions on this Delegation: | a. In accordance with the Council's policies. |
| Express Power to Sub-Delegate: | *Local Government Act 1995*:<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s Appointed by CEO: | Nil |
| CEO Conditions on this Sub-Delegation: | N/A |
| Policy / Compliance Links: | • *Local Government Act 1995*<br>• *Local Government (Functions and General) Regulations 1996*<br>• Council Policy 2.3.5 *Purchasing Policy*<br>• Council Policy 2.3.8 *Regional Price Preference* |

## 1.1.25. Disposing of Property

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995:*<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government Act 1995*:<br>• s.3.58(2) & (3) Disposing of Property<br><br>*Local Government (Functions and General) Regulations 1996:*<br>• R.30 Dispositions of property excluded from Act s.3.58 |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to dispose of property to:<br>i. to the highest bidder at public auction [s.3.58(2)(a)];<br>ii. to the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tenders [s.3.58(2)(b)].<br>2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].<br>3. Authority to dispose of property, that is prescribed as exempt from the provisions of s.3.58:<br>i. disposal of land to an adjoining owner, where the market value is less than $5000 and the delegate has determined that the land would not be of benefit to anyone other than the adjoining owner. [F&G.r.30(2)(a)];<br>ii. disposal of land, by lease, to an employee of the local government for use as the employee's residence [F&G.r.30(2)(d)];<br>iii. disposal of land, by lease, for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land. [F&G r.30(20(e)];<br>iv. disposal of land, by lease, of a residential property to a person for residential purposes [F&G.r.30(2)(f)];<br>v. disposal of property (other than land / buildings), where the property is disposed within 6 months after it has been unsuccessfully put out to auction, public tender or private treaty via State-wide public notice [F&G r.(2A);<br>vi. disposal of property, other than land / buildings, where the market value is determined as less than $20,000. [F&G r.30(3)(a)];<br>vii. disposal of property, other than land / buildings, where the entire consideration received for the disposal is used to purchase other property AND the total value of the other property is not more, or worth more, than $75,000. [F&G.r.30(3)(b)]. |
| Council Conditions on this Delegation: | a. In accordance with Council policies.<br>b. Any disposals under this delegation are to be reported to Council quarterly.<br>c. Items with a value of $1,000 (excluding GST) or less can be sold without calling for expressions of interest or advertising.<br>d. 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. |

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| | e. 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 $10,000 (excluding GST) or less.<br>f. When determining the method of disposal:<br>i. Where a public auction is determined as the method of disposal:<br>a. Reserve price has been set by independent valuation;<br>b. 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.<br>ii. 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.<br>iii. Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to:<br>a. Negotiate the sale of the property up to a -10% variance on the valuation; and<br>b. Consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a decision are recorded.<br>iv. A disposal under Functions and General Regulations 30(2)(a),(f), (2A) or (3)(a),(b), the disposal method selected must obtain a best value outcome for the Local Government.<br>g. Where the market value of the property is determined as being less than $20,000 (F&G r.30(3) excluded disposal) may be undertaken:<br>i. Without reference to Council for resolution; and<br>ii. 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 the disposal must ensure environmentally responsible disposal.<br>h. In relation to leases, authorisation to:<br>i. Affect the renewal of leases and agreements, service level agreements or written arrangements in place between Council and third parties, where:<br>a. There is no significant change proposed to the terms and conditions of the lease/agreement; and<br>b. The lease/agreement must include provisions for further renewal within the document.<br>ii. Enter into a new lease/licence for a community building or community land where:<br>a. The proposed tenant for the new lease/licence is not changed from the existing tenant, and<br>b. The building or land is a purpose-built facility or there is no reasonable prospect of the building/land being used by any other possible community tenant, and<br>c. The building or land is currently being operated in accordance with the existing lease or licence, and<br>d. Any proposed changes to the lease or licence are minor in nature.<br>iii. Amend an existing lease/licence for a community building or community land where changes are minor in nature.<br>iv. Approve new Windy Harbour leases and Windy Harbour lease transfers for existing lease sites.<br>v. Consent to mortgages over Windy Harbour leases.<br>vi. Approve the assignment of an existing lease/licence to another party excepting in the case of commercial leases or a community association. |
| Express Power to Sub-Delegate: | *Local Government Act 1995:* |

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| | • s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s Appointed by CEO: | • Director Business<br>• Director Community Services<br>• Director Development Services<br>• Director Infrastructure Services |
| CEO Conditions on this Sub-Delegation: | a. Sub-delegates are authorised to perform the above listed functions in relation to non-land property only. |
| Policy / Compliance Links: | • *Local Government Act 1995* s.3.58 Disposal of Property<br>• *Local Government (Functions and General) Regulations 1995* r.30 Dispositions of property excluded from Act s.3.58<br>• Council Policy *2.3.9 Disposal of Shire of Manjimup Property*<br>• *Land Administration Act 1987* – where Ministerial approval is required before Crown Land may be disposed of.<br>• Shire of Manjimup Policy 4.2.8 Property Leasing<br>• Shire of Manjimup Policy 4.2.2 Windy Harbour Leases |

## 1.1.26. Acquisition of Interest in Land by Lease or other Short-Term Instrument

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|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995:*<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government Act 1995*:<br>• s.3.59 Commercial enterprises by local governments<br><br>*Local Government (Functions and General) Regulations 1996:*<br>• r.8A Amount prescribed for major land transactions; exempt land transactions prescribed<br>• r.8 Exempt land transactions prescribed |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to acquire an interest in land (includes buildings), by lease or other short-term instrument only, where the total value of the consideration and anything done by the Shire of Manjimup is less than the threshold amount for a major land transaction [s.3.59(1), r.8A(1)].<br>2. Authority to acquire an interest in land by lease or other short-term instrument only through an exempt land transaction [s.3.59(1), r.8(1)]:<br>i. without intending to produce a profit to the Local Government; and<br>ii. without intending that another person will be sold, or given joint or exclusive use of, all or any of the land involved in the transaction. |
| Council Conditions on this Delegation: | a. Delegation excludes authority to purchase in fee simple land or buildings and is therefore limited to leases, rental or other short term acquisition instruments that do not commit the Local Government for a period greater than five (5) years.<br>b. Delegation is limited to acquisitions that are necessary to achieve an objective determined by Council resolution, including objectives identified in the Shire's Integrated Planning and Reporting Framework, a Policy or Strategy and for which an associated budget allocation has been included, and is available, in the Annual Budget.<br>NOTE - Examples of acquisitions necessary to achieve an approved objective may include; hire a venue for a community event or short-term lease of storage space for equipment while a refurbishment is completed.<br>c. Where the acquisition total consideration value is greater than $50,000, the value is to be verified by at least one written valuation obtained from a suitably licensed valuer not more than 3-months prior to the execution of the associated acquisition contract.<br>d. In accordance with s.5.43, this delegation is limited to acquisitions that have a total consideration value of $100,000 or less.<br>e. Documents that give effect to an acquisition under this delegation, must be executed by a person duly authorised under s.9.49A. |
| Express Power to Sub-Delegate: | *Local Government Act 1995:*<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s Appointed by CEO: | Nil |
| CEO Conditions on this Sub-Delegation: | N/A |

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| Policy / Compliance Links: | • *Local Government Act 1995*:<br>s.3.59 Commercial enterprises by local Government<br>s.9.49A Execution of documents<br>s.6.2 Annual Budget<br>• Integrated Planning and Reporting Framework documents as adopted by Council<br>• *Local Government (Functions and General) Regulations 1995*<br>Regulations 8A and 8<br>• *Residential Tenancy Act 1987*<br>• *Commercial Tenancy (Retail Shops) Agreements Act 1985* |

## 1.1.27. Payments from the Municipal or Trust Funds

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995:*<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government (Financial Management) Regulations1996*:<br>• r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to make payments from the municipal or trust funds [r.12(1)(a)]. |
| Council Conditions on this Delegation: | a. To take into consideration allocations in the budget.<br>b. Annual Operational procedural reviews. |
| Express Power to Sub-Delegate: | *Local Government Act 1995:*<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s Appointed by CEO: | • Director Business<br>• Director Community Services<br>• Director Development Services<br>• Director Infrastructure Services<br>• Coordinator Finance and Administration Services |
| CEO Conditions on this Sub-Delegation: | a. Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5.<br>b. Payments by Cheque and EFT transactions must be approved jointly by two Delegates, one of whom must be the CEO or a Senior Employee. |
| Policy / Compliance Links: | • *Local Government Act 1995*<br>• *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.<br>• *Local Government (Audit) Regulations 1996*<br>• Department of Local Government, Industry Regulation and Safety Operational Guideline No.11 – Use of Corporate Credit Cards<br>• Department of Local Government, Industry Regulation and Safety: Accounting Guidelines<br>• Council Policy 2.3.5 *Purchasing Policy* |

## 1.1.28. Defer, Grant Discounts, Waive or Write Off Debts

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995:*<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government Act 1995*:<br>• s.6.12 Power to defer, grant discounts, waive or write off debts<br>• s.6.12 (3) Granting a concession under subsection (1)(b) |
| Delegate: | Chief Executive Officer |
| Function: | 1. Waive a debt which is owed to the Shire of Manjimup [s.6.12(1)(b)].<br>2. Grant a concession in relation to money which is owed to the Shire of Manjimup [s.6.12(1)(b)].<br>3. Write off an amount of money which is owed to the Shire of Manjimup [s.6.12(1)(c)]. |
| Council Conditions on this Delegation: | *This delegation is subject to section 6.12(2) of the Local Government Act 1995, which specifies that a local government cannot grant a waiver or concession for a rate or service charge.*<br>a. Any waiver of a debt or granting of a concession shall only be up to $2,000 and shall be considered solely on its merits [s.6.12(1)(b)].<br>b. 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 of Manjimup.<br>c. Write off individual debts valued below $2,000 ex. GST. Debts greater than $2,000 ex. GST must be referred for Council decision.<br>d. A list of all deferments, concessions, granted discounts, waivers or write-off of debts executed under this delegation are to be presented to Council monthly. |
| Express Power to Sub-Delegate: | *Local Government Act 1995:*<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s Appointed by CEO: | • Director Business |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | *Local Government Act 1995*<br>Council Policy 4.1.4 *Financial Hardship (Rate Relief) Policy* |

## 1.1.29. Power to Invest and Manage Investments

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995:*<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government Act 1995*:<br>• s.6.14 Power to invest<br><br>*Local Government (Financial Management) Regulations 1996*:<br>• r.19 Investments, control procedures for |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)].<br>2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19]. |
| Council Conditions on this Delegation: | a. All investment activity must comply with the Financial Management Regulation 19C and Council Policy 4.1.1 *Investments*.<br>b. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports.<br>c. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles.<br>d. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Management Committee not less than once in every three financial years [Audit r.17]. |
| Express Power to Sub-Delegate: | *Local Government Act 1995:*<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s Appointed by CEO: | • Director Business |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • *Local Government (Financial Management) Regulations 1996* refer r.19C Investment of money, restrictions on<br>• Council Policy 4.1.1 *Investments* |

## 1.1.30. Rate Record Amendment

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995:*<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government Act 1995*:<br>• s.6.39(2)(b) Rate record |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)]. |
| Council Conditions on this Delegation: | a. Delegates must comply with the requirements of s.6.40 of the Act. |
| Express Power to Sub-Delegate: | *Local Government Act 1995:*<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s Appointed by CEO: | • Director Business<br>• Rates Officer |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • *Local Government Act 1995* s.6.40 prescribes consequential actions that may be required following a decision to amend the rate record<br>• Note – Decisions under this delegation may be referred for review by the State Administration Tribunal |

## 1.1.31. Agreement as to Payment of Rates and Service Charges

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995:*<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government Act 1995*:<br>• s.6.49 Agreement as to payment of rates and service charges |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to make an agreement with a person for the payment of rates or service charges [s.6.49]. |
| Council Conditions on this Delegation: | a. Agreements must be in writing and must ensure clearing of the rates or service charge debt before the next annual rates or service charges are levied. |
| Express Power to Sub-Delegate: | *Local Government Act 1995:*<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s Appointed by CEO: | • Director Business<br>• Coordinator Finance and Administration Services<br>• Rates Officer |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • *Local Government Act 1995*<br>• Council Policy 4.1.4 *Financial Hardship (Rate Relief) Policy*<br>• Council Policy 4.1.7 *Collection of Outstanding Rates* |

## 1.1.32. Determine Due Date for Rates or Service Charges

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995:*<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government Act 1995*:<br>• s.6.50 Rates or service charges due and payable |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to determine the date on which rates or service charges become due and payable to the Shire of Manjimup [s.6.50]. |
| Council Conditions on this Delegation: | a. Excludes determining the due date and instalment due dates applicable to levying rates as part of the adoption of the annual budget.<br>NOTE - Financial Management Reg.64 specifies that instalment due dates are to be determined when adopting the annual budget.<br>b. Decisions under this delegation are limited to determining due date and instalment due dates applicable to interim rating only. |
| Express Power to Sub-Delegate: | *Local Government Act 1995:*<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s Appointed by CEO: | Nil |
| CEO Conditions on this Sub-Delegation: | N/A |
| Policy / Compliance Links: | *Local Government Act 1995* |

## 1.1.33. Recovery of Rates or Service Charges

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995:*<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government Act 1995*:<br>• s.6.56 Rates or service charges recoverable in court<br>• s.6.64(3) Actions to be taken |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)].<br>2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)]. |
| Council Conditions on this Delegation: | Comply with the Shire's adopted Policies and Procedures. |
| Express Power to Sub-Delegate: | *Local Government Act 1995:*<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s Appointed by CEO: | • Director Business<br>• Coordinator Finance and Administration Services |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • *Local Government Act 1995*<br>• Council Policy 4.1.4 *Financial Hardship (Rate Relief) Policy*<br>• Council Policy 4.1.7 *Collection of Outstanding Rates* |

## 1.1.34. Recovery of Rates Debts – Require Lessee to Pay Rent

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995:*<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government Act 1995*:<br>• s.6.60 Local Government may require lessee to pay rent |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the Shire of Manjimup [s.6.60(2)].<br>2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)]. |
| Council Conditions on this Delegation: | a. Comply with the Shire's adopted Policies and Procedures. |
| Express Power to Sub-Delegate: | *Local Government Act 1995:*<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s Appointed by CEO: | • Director Business |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • *Local Government Act 1995* sections 6.61, 6.62 and Schedule 6.2 prescribe procedures relevant to exercise of authority under s.6.60<br>• Council Policy 4.1.4 *Financial Hardship (Rate Relief) Policy*<br>• Council Policy 4.1.7 *Collection of Outstanding Rates* |

## 1.1.35. Recovery of Rates Debts - Actions to Take Possession of the Land

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995:*<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government Act 1995*:<br>• s.6.64(1) & (3) Actions to be taken<br>• s.6.69(2) Right to pay rates, service charges and costs, and stay proceedings<br>• s.6.71 Power to transfer land to Crown or local government<br>• s.6.74 Power to have land revested in Crown if rates in arrears 3 years |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to take possession of land and hold the land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years [s.6.64(1)], including:<br>i. lease the land, or<br>ii. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months:<br>i. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or<br>ii. cause the land to be transferred to the Shire of Manjimup [s.6.71].<br>2. Authority to lodge a caveat to preclude dealings in respect of land for which rates and service charges are significantly in arrears and to withdraw caveats [s.6.64(3)].<br>3. Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, service charges and costs within 7 days of and prior to the proposed sale [s.6.69(2)]. |
| Council Conditions on this Delegation: | a. In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale without having, within the previous 3-years, attempted to recover the outstanding rates / charges through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes.<br>b. Exercise of this delegation must comply with the procedures set out in Schedule 6.3 of the *Local Government Act 1995.* |
| Express Power to Sub-Delegate: | *Local Government Act 1995:*<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s Appointed by CEO: | Nil |
| CEO Conditions on this Sub-Delegation: | N/A |
| Policy / Compliance Links: | • *Local Government Act 1995* Part 6, Division 6 Subdivision 6 and Schedule.6.3 prescribe procedures relevant to exercise of authority under this delegation.<br>• *Local Government (Financial Management) Regulations 1996* regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation.<br>• Council Policy 4.1.4 *Financial Hardship (Rate Relief) Policy* |

## 1.1.36. Rate Record – Objections

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|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995:*<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government Act 1995*:<br>• s.6.76 Grounds of objection |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)].<br>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 whom made the objection [s.6.76(5)]. |
| Council Conditions on this Delegation: | a. 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. |
| Express Power to Sub-Delegate: | *Local Government Act 1995:*<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s Appointed by CEO: | • Director Business |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • *Local Government Act 1995*<br>• Note – Decisions under this delegation may be referred for review by the State Administration Tribunal |

## 1.1.37. Notices to Owners

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995:*<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government Act 1995*:<br>• s.3.25 Notices requiring certain things to be done by owner or occupier of land<br>• s 3.26 Additional powers when notices given |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to issue a notice in writing requiring certain things to be done by owner or occupier of land in accordance with Schedule 3.1 and if the person fails, do anything it considers necessary to achieve the purpose for which the notice was given, including recovering any associated costs as a debt. [s3.25].<br>2. Authority to take action to do anything that is considered necessary to achieve so far as is practicable the purpose for which a notice under s3.25 (1) is given [s3.26]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | *Local Government Act 1995:*<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s Appointed by CEO: | • Director Business<br>• Director Community Services<br>• Director Development Services<br>• Director Infrastructure Services<br>• Manager Planning Services<br>• Manager Building Services<br>• Community Emergency Services Manager<br>• Manager Park Operations<br>• Manager Technical Services<br>• Manager Works |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • *Local Government Act 1995*<br>• Note – Decisions under this delegation may be referred for review by the State Administration Tribunal |

## 1.1.38. Renewal or Extension of Contracts during a State of Emergency

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995:*<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government Act 1995*:<br>• s.3.57 Tenders for providing goods or services<br><br>*Local Government (Functions and General) Regulations 1996:*<br>• Regulation 11 'When tenders have to be publicly invited'<br>• Tender exemption under sub regulation 11(2)(ja) |
| Delegate: | Chief Executive Officer |
| Function: | Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to execute a renewal or extension to the term of a contract that will expire within 3 months, for a term of not more than 12 months from the original expiry date, without calling for tenders [F&G r.11(2)(ja)].<br><br>This authority relates to:<br>1. contracts not formed through a public tender, where the total value of the original term and the proposed extension or renewal exceeds $250,000, and<br>2. contracts formed through a public tender. |
| Council Conditions on this Delegation: | a. The authority to apply the renewal or extension option may be exercised where one or more of the following principles applies:<br>i. It is exercised at the sole discretion of the Local Government;<br>ii. It is in the best interests of the Local Government;<br>iii. It is deemed necessary to facilitate the role of Local Government in relation to the State of Emergency declaration;<br>iv. It has potential to promote local and/or regional economic benefits.<br>b. This authority may only be exercised where the total consideration for the renewal or extension is $100,000 or less.<br>c. Contracts may only be renewed or extended where there is an adopted and available budget for the proposed goods and services, OR where the expenditure from an alternative available budget allocation has been authorised in advance by the Shire President (i.e. before the expense is incurred) in accordance with LGA s.6.8(1)(c).<br>d. The decision to extend or renew a contract must be made in accordance with the objectives of the Purchasing Policy.<br>e. This authority may only be exercised where the total consideration under the resulting contract is $250,000 or less.<br>f. The CEO cannot sub-delegate this authority. |
| Express Power to Sub-Delegate: | Nil |
| Policy / Compliance Links: | • *Local Government (Functions and General) Regulations 1996*<br>• WALGA Subscription Service – Procurement Toolkit<br>• Council's Purchasing Policy |

## 1.1.39. Procurement of Goods or Services required to address a State of Emergency

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995:*<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government Act 1995*:<br>• s.3.57 Tenders for providing goods or services<br><br>*Local Government (Functions and General) Regulations 1996:*<br>• Regulation 11 'When tenders have to be publicly invited'<br>• Tender exemption under sub regulation 11(2)(aa)<br>• Associated definition under sub regulation 11(3) |
| Delegate: | Chief Executive Officer |
| Function: | Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to:<br>1. Determine that particular goods or services with a purchasing value >$250,000 are required for the purposes of addressing the impact, consequences or need arising from the hazard to which the State of Emergency declaration relates [F&G r11(3)(b)]; and<br>2. Undertake tender exempt purchasing activity to obtain the supply of those goods or services identified in accordance with point 1 above [F&G r.11(2)(aa)]. |
| Council Conditions on this Delegation: | a. This authority may only be exercised where the goods or services are urgently required, and it is not possible for Council to meet within an appropriate timeframe.<br>b. Compliance with the Purchasing Policy is required, but only to the extent that such compliance will not incur an unreasonable delay in providing the required urgent response to the State of Emergency hazard. The rationale for non-compliance with Purchasing Policy must be evidenced in accordance with the Record Keeping Plan.<br>c. Where a relevant budget allocation is not available and a purchase is necessary in response to a State of Emergency, the expenditure from an alternative available budget allocation must be authorised in advance by the Shire President (i.e. before the expense is incurred) in accordance with LGA s.6.8.<br>d. The CEO is to inform Council Members after the exercise of this delegation, including details of the contract specification, scope and purchasing value and the rationale for determining that the goods or services were urgently required in response to the State of Emergency declaration.<br>e. The CEO cannot sub-delegate this authority. |
| Express Power to Sub-Delegate: | Nil |
| Policy / Compliance Links: | • *Local Government (Functions and General) Regulations 1996*<br>• WALGA Subscription Service – Procurement Toolkit<br>• Council's Purchasing Policy |

## 1.1.40. Extend Time for Lodging an Objection

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995*:<br>• s.5.42 Delegation of some powers or duties to the CEO<br>• s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Local Government Act 1995*:<br>• s 9.5 Objection may be lodged |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to extend the time for a person to make an objection regarding a relevant prescribed decision of the Local Government [s.9.5(2)]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate | *Local Government Act 1995:*<br>• *s.5.44 CEO may delegate some powers and duties to other employees* |
| Sub-Delegate/s Appointed by CEO: | • Director Community Services<br>• Director Business<br>• Director Development Services<br>• Director Infrastructure Services |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • *Local Government Act 1995*<br>• Note – Decisions under this delegation may be referred for review by the State Administration Tribunal |

## 1.2. Local Law Delegations to the CEO

### 1.2.1. Administration of Local Laws

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|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995:*<br>• Section 5.42- Delegation of some powers or duties to the CEO. |
| Express Power Delegated or Duty Delegated: | *Local Government Act 1995:*<br>• Section 3.18 – Performing executive functions |
| Delegate: | Chief Executive Officer |
| Function: | Power to:<br>1. Administer the provisions of any Shire of Manjimup Local Laws made under Division 2 of Part 3 of the Local Government Act 1995 or other relevant Act.<br>2. Determine applications received in accordance with any Shire of Manjimup Local Law.<br>3. Exercise the powers, duties and functions of the local government under those local laws. |
| Conditions on this Delegation: | Granted for the purposes of the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2002*<br>• Clause 2.2 - Activities allowed with a permit – general<br>• Clause 2.8 - Notice to owner or occupier<br>• Clause 2.9 - Assignment of numbers<br>• Clause 2.14 -Signs<br>• Clause 4.3 - Declaration of flora road<br>• Clause 4.5 - Signposting of flora roads<br>• Clause 4.6 - Driving only on carriageway of flora roads<br>• Clause 4.7 - Designation of special environmental areas<br>• Clause 4.8 - Marking of special environmental areas<br>• Clause 4.10 - Relevant considerations in determining application<br>• Clause 4.15 - When application for permit can be approved<br>• Clause 4.17 - Permit for firebreaks on thoroughfares<br>• Clause 4.20 - Permit for revegetation projects<br>• Clause 5.2 - Stallholders permit<br>• Clause 5.3 - Traders permit<br>• Clause 5.5 - Relevant considerations in determining application for permit<br>• Clause 5.6 - Conditions of permit<br>• Clause 5.7 - Exemptions from requirement to pay fee or to obtain a permit<br>• Clause 6.1 - Application for permit<br>• Clause 6.2 - Decision on application for permit<br>• Clause 6.4 - Imposing conditions under a policy<br>• Clause 6.5 - Compliance with and variation of conditions<br>• Clause 6.8 - Transfer of permit<br>• Clause 6.10 - Cancellation of permit<br>• Clause 8.1 - Notice to redirect or repair sprinkler<br>• Clause 8.2 - Hazardous plants<br>• Clause 8.3 - Notice to repair damage to thoroughfare<br>• Clause 8.4 - Notice to remove thing unlawfully placed on thoroughfare<br>• Clause 9.2 - Local government may undertake requirements of notice |

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| | Granted for the purposes of the *Cat Local Law 2021* (as amended)<br>• Clause 3.1 - Designation of Cat Prohibited Areas<br>• Clause 4.4 - Application for permit<br>• Clause 4.5 - Refusal to determine application<br>• Clause 4.7 - Decision on application<br>• Clause 4.8 - Conditions<br>• Clause 4.10 - Revocation (CEO Only)<br>• Clause 5.1 - Cat management facility<br>• Clause 5.2 - Impounding register<br>• Schedule 1 A. (6), (12) - Permit to use premises as a cattery (CESM only)<br><br>Granted for the purposes of the *Cemetery Local Law 1990*<br>• All functions of the 'Secretary' and the 'Board' under the Cemetery Local Law 1990<br><br>Granted for the purposes of the *Fencing Local Law 2012* (as amended)<br>• Clause 5.1 - Who may apply for licence<br>• Clause 5.2 - Application for licence<br>• Clause 5.3 - Information required for application<br>• Clause 5.4 - Further information relevant to application<br>• Clause 5.5 - Power of local government to grant licence<br>• Clause 5.7 - Other conditions<br><br>Granted for the purposes of the *Health Local Law 2020* (as amended)<br>• Clause 2.2 - Dwelling house<br>• Clause 3.15 - Licensing of morgues<br>• Clause 4.2 - Deposit of liquid refuse<br>• Clause 4.9 - Burning of rubbish or refuse<br>• Clause 4.10 - Suitable enclosure<br>• Clause 4.11 - Provision of refuse receptacles<br>• Clause 4.13 - Unauthorised storage of materials<br>• Clause 4.14 - Removal of refuse and disused materials<br>• Clause 4.15 - Removal of unsightly overgrowth of vegetation<br>• Clause 5.2 - Escape of smoke etc<br>• Clause 5.5 - Dust management<br>• Clause 5.6 - Emission or reflection of light<br>• Clause 5.7 - Car parks<br>• Clause 5.18 - Keeping of approved animals and provision of stables<br>• Clause 5.24 - Roosters, Geese, Turkeys, Peafowl and Gamebirds<br>• Clause 5.30 – Premises to be approved<br>• Clause 6.9 - Drainage of land<br>• Clause 6.24 - Local government may execute work and recover costs<br>• Clause 7.4 - Authorised Officer may disinfect or disinfest the premises<br>• Clause 7.5 - Insanitary houses, premises and things<br>• Clause 7.7 - Persons in contact with an infectious disease sufferer<br>• Clause 7.8 - Declaration of infected house or premises<br>• Clause 7.11 - Local government may carry out work and recover costs<br>• Clause 8.3 - Application for registration<br>• Clause 8.4 - Certificate of Registration of accommodation<br>• Clause 8.5 - Renewal of registration<br>• Clause 8.6 - Notification upon sale or transfer<br>• Clause 8.7 - Revocation of registration<br>• Clause 8.26 - Keeper report<br>• Clause 8.29 - Room occupancy |

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| | • Clause 9.2 - Consent to establish an offensive trade<br>• Clause 9.4 - Registration of premises<br>• Clause 9.5 - Certificate of Registration of Premises for Offensive Trade<br>• Clause 9.6 - Change of occupier<br>• Clause 9.7 - Alterations to premises<br>• Clause 9.41 - Conditions of registration<br>• Clause 10.3 - Other enforcement actions<br><br>Granted for the purposes of the *Waste Local Law 2022*<br>• Clause 2.6 - Direction to place or remove a receptacle<br>• Clause 5.1 – Enforcement<br>• Clause 5.2 – Offences and general penalty<br><br>Granted for the purposes of the *Parking Local Law 2018*<br>• Clause 2.1 - Powers of the local government<br>• Clause 2.3 - Parking not under the control of the local government<br>• Clause 3.8 - Vehicles not to obstruct a thoroughfare or public place<br>• Clause 3.9 - Authorised person may order vehicle on thoroughfare to be moved<br>• Clause 3.10 - Suspension of parking limitations for urgent, essential or official duties<br>• Clause 3.20 - Pre-existing signs<br>• Clause 4.5 - Parking prohibitions and restrictions<br>• Clause 4.9 - Stopping on verge |
| Express Power to Sub-Delegate: | *Local Government Act 1995:*<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s Appointed by CEO: | For the purposes of actioning the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2002*<br>• Director Infrastructure Services (All clauses, see below)<br>• Director Development Services (All clauses, see below)<br>• Manager Technical Services (All clauses, see below)<br>• Senior Technical Officer (Clauses 2.2, 2.8, 2.14 only)<br>• Manager Park Operations (All clauses, see below)<br>• Coordinator Park Operations (Clauses 2.2, 2.8, 2.14 only, see below)<br>• Manager Works (All clauses, see below)<br>• Community Emergency Services Manager (Clauses 2.2, 2.8, 4.17 only, see below)<br>• Senior Ranger (Clauses 2.2, 2.8, 4.17 only, see below)<br>• Ranger(s) (Clauses 2.2, 2.8, 4.17 only, see below)<br>• Principal Environmental Health Officer (Clauses 5.2, 5.3, 5.5, 5.6, 5.7 only, see below)<br>• Assistant Environmental Health Officer (Clauses 5.2, 5.3, 5.5, 5.6, 5.7 only, see below)<br><br>For the purposes of actioning the *Cat Local Law 2021* (as amended)<br>• Director Development Services<br>• Community Emergency Services Manager<br>• Senior Ranger<br>• Ranger(s)<br><br>For the purposes of actioning the *Cemetery Local Law 1990*<br>• Director Business<br>• Coordinator Finance and Administration Services<br>• Manager Works |

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| | <u>For the purposes of actioning the *Dogs Local Law 2004* (as amended)</u><br>• Director Development Services<br>• Community Emergency Services Manager<br>• Senior Ranger<br>• Ranger(s)<br><br><u>For the purposes of actioning the *Fencing Local Law 2012* (as amended)</u><br>• Director Development Services<br>• Manager Building Services<br>• Building Surveyor<br>• Building Officer<br>• Administration Officer Building Services<br><br><u>For the purposes of actioning the *Health Local Law 2020* (as amended)</u><br>• Director Development Services<br>• Principal Environmental Health Officer<br>• Assistant Environmental Health Officer<br><br><u>For the purposes of actioning the *Waste Local Law 2022*</u><br>• Director Infrastructure Services<br>• Manager Technical Services<br>• Waste Management Officer<br><br><u>For the purposes of actioning the *Parking Local Law 2018*</u><br>• Director Development Services<br>• Community Emergency Services Manager<br>• Senior Ranger<br>• Ranger(s) |
| CEO Conditions on this Sub-Delegation | <u>Granted for the purposes of the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2002*</u><br>Clause 2.2 - Activities allowed with a permit – general<br>Clause 2.8 - Notice to owner or occupier<br>Clause 2.9 - Assignment of numbers<br>Clause 2.14 -Signs<br>Clause 4.3 - Declaration of flora road<br>Clause 4.5 - Signposting of flora roads<br>Clause 4.6 - Driving only on carriageway of flora roads<br>Clause 4.7 - Designation of special environmental areas<br>Clause 4.8 - Marking of special environmental areas<br>Clause 4.10 - Relevant considerations in determining application<br>Clause 4.15 - When application for permit can be approved<br>Clause 4.17 - Permit for firebreaks on thoroughfares<br>Clause 4.20 - Permit for revegetation projects<br>Clause 5.2 - Stallholders permit<br>Clause 5.3 - Traders permit<br>Clause 5.5 - Relevant considerations in determining application for permit<br>Clause 5.6 - Conditions of permit<br>Clause 5.7 - Exemptions from requirement to pay fee or to obtain a permit<br>Clause 6.1 - Application for permit<br>Clause 6.2 - Decision on application for permit<br>Clause 6.4 - Imposing conditions under a policy<br>Clause 6.5 - Compliance with and variation of conditions<br>Clause 6.8 - Transfer of permit<br>Clause 6.10 - Cancellation of permit<br>Clause 8.1 - Notice to redirect or repair sprinkler<br>Clause 8.2 - Hazardous plants<br>Clause 8.3 - Notice to repair damage to thoroughfare |

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|---|---|
| | Clause 8.4 - Notice to remove thing unlawfully placed on thoroughfare<br>Clause 9.2 - Local government may undertake requirements of notice<br><br><u>Granted for the purposes of the *Cat Local Law 2021* (as amended)</u><br>Clause 3.1 - Designation of Cat Prohibited Areas<br>Clause 4.4 - Application for permit<br>Clause 4.5 - Refusal to determine application<br>Clause 4.7 - Decision on application<br>Clause 4.8 - Conditions<br>Clause 4.10 - Revocation (CEO Only)<br>Clause 5.1 - Cat management facility<br>Clause 5.2 - Impounding register<br>Schedule 1 A. (6), (12) - Permit to use premises as a cattery (CESM only)<br><br><u>Granted for the purposes of the *Cemetery Local Law 1990*</u><br>All functions of the 'Secretary' and the 'Board' under the Cemetery Local Law 1990<br><br><u>Granted for the purposes of the *Fencing Local Law 2012* (as amended)</u><br>Clause 5.1 - Who may apply for licence<br>Clause 5.2 - Application for licence<br>Clause 5.3 - Information required for application<br>Clause 5.4 - Further information relevant to application<br>Clause 5.5 - Power of local government to grant licence<br>Clause 5.7 - Other conditions<br><br><u>Granted for the purposes of the *Health Local Law 2020* (as amended)</u><br>Clause 2.2 - Dwelling house<br>Clause 3.15 - Licensing of morgues<br>Clause 4.2 - Deposit of liquid refuse<br>Clause 4.9 - Burning of rubbish or refuse<br>Clause 4.10 - Suitable enclosure<br>Clause 4.11 - Provision of refuse receptacles<br>Clause 4.13 - Unauthorised storage of materials<br>Clause 4.14 - Removal of refuse and disused materials<br>Clause 4.15 - Removal of unsightly overgrowth of vegetation<br>Clause 5.2 - Escape of smoke etc<br>Clause 5.5 - Dust management<br>Clause 5.6 - Emission or reflection of light<br>Clause 5.7 - Car parks<br>Clause 5.18 - Keeping of approved animals and provision of stables<br>Clause 5.24 - Roosters, Geese, Turkeys, Peafowl and Gamebirds<br>Clause 5.30 – Premises to be approved<br>Clause 6.9 - Drainage of land<br>Clause 6.24 - Local government may execute work and recover costs<br>Clause 7.4 - Authorised Officer may disinfect or disinfest the premises<br>Clause 7.5 - Insanitary houses, premises and things<br>Clause 7.7 - Persons in contact with an infectious disease sufferer<br>Clause 7.8 - Declaration of infected house or premises<br>Clause 7.11 - Local government may carry out work and recover costs<br>Clause 8.3 - Application for registration<br>Clause 8.4 - Certificate of Registration of accommodation<br>Clause 8.5 - Renewal of registration<br>Clause 8.6 - Notification upon sale or transfer<br>Clause 8.7 - Revocation of registration<br>Clause 8.26 - Keeper report<br>Clause 8.29 - Room occupancy<br>Clause 9.2 - Consent to establish an offensive trade<br>Clause 9.4 - Registration of premises<br>Clause 9.5 - Certificate of Registration of Premises for Offensive Trade<br>Clause 9.6 - Change of occupier<br>Clause 9.7 - Alterations to premises |

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| | Clause 9.41 - Conditions of registration<br>Clause 10.3 - Other enforcement actions<br><br><u>Granted for the purposes of the *Waste Local Law 2022*</u><br>Clause 2.6 - Direction to place or remove a receptacle<br>Clause 5.1 – Enforcement<br>Clause 5.2 – Offences and general penalty<br><br><u>Granted for the purposes of the *Parking Local Law 2018*</u><br>Clause 2.1 - Powers of the local government<br>Clause 2.3 - Parking not under the control of the local government<br>Clause 3.8 - Vehicles not to obstruct a thoroughfare or public place |
| Policy / Compliance Links | • *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2002*<br>• *Cat Local Law 2021* (as amended)<br>• *Cemetery Local Law 1990*<br>• *Dogs Local Law 2004* (as amended)<br>• *Fencing Local Law 2012* (as amended)<br>• *Health Local Law 2020* (as amended)<br>• *Waste Local Law 2022*<br>• *Parking Local Law 2018*<br>• *Standing Orders Local Law 2013* |

## 1.3. CEO to Employees

### 1.3.1. Appoint Authorised Persons

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|---|---|
| Delegator: | Chief Executive Officer |
| Express Power to Delegate: | *Local Government Act 1995:*<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Express Power or Duty Delegated: | *Local Government Act 1995*:<br>• s.9.10 Appointment of authorised persons [S.9.10(2)] |
| Delegate: | • Nil |
| Function: | 1. Authority to appoint persons or classes of persons as authorised persons *[ s.9.10(2)]* for the purpose of fulfilling functions of an authorised person prescribed in the following legislation inclusive of subsidiary legislation made under each Act i.e. Regulations:<br>i. *Local Government Act 1995* and its subsidiary legislation, including Regulations, the *Local Government (Miscellaneous Provisions) Act 1960* and Local Laws made under the *Local Government Act 1995*.<br>ii. *Caravan Parks and Camping Grounds Act 1995*;<br>iii. *Cat Act 2011*;<br>iv. *Cemeteries Act 1986*;<br>v. *Control of Vehicles (Off-road Areas) Act 1978*;<br>vi. *Dog Act 1976:*<br>vii. *Graffiti Vandalism Act 2016* – refer s.15; and<br>viii. any other legislation prescribed for the purposes of s.9.10 of the *Local Government Act 1995.* |
| CEO Conditions on this Delegation: | a. A register of Authorised Persons is to be maintained as a Local Government Record.<br>b. Only persons who are appropriately qualified and trained may be appointed as Authorised persons.<br>c. A person to be appointed as authorised officer in accordance with Regulation 70(2) of the *Building Regulations 2012* and section 6(b) of the *Criminal Procedure Act 2004* MUST first be appointed as an authorised person for the purposes of section 9.16 of the *Local Government Act 1995.* |
| Express Power to Sub-Delegate: | Nil |
| Policy / Compliance Links: | *Local Government Act 1995* |

## 1.3.2. Determine if an Emergency for Emergency Powers of Entry

| | |
|---|---|
| Delegator: | Chief Executive Officer |
| Express Power to Delegate: | *Local Government Act 1995:*<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Express Power or Duty Delegated: | *Local Government Act 1995*:<br>• s.3.34(2) Entry in emergency<br>• s.3.34(3) Reasonable force to exercise the power<br>• s.3.34(4) Exercise the power of entry while the emergency exists |
| Delegate/s: | • Director Business<br>• Director Community Services<br>• Director Development Services<br>• Director Infrastructure Services<br>• Manager Planning Services<br>• Manager Building Services<br>• Community Emergency Services Manager<br>• Manager Park Operations<br>• Manager Technical Services<br>• Manager Works<br>• Principal Environmental Health Officer<br>• Senior Ranger<br>• Ranger(s) |
| Function: | 1. Authority to determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions [s.3.34(2)]. |
| CEO Conditions on this Delegation: | a. Ensure entry does not endanger themselves or others.<br>b. Report any entry in an emergency to the CEO as soon as reasonably possible.<br>c. Letter sent to property owner advising them of reason for entry. |
| Express Power to Sub-Delegate: | Nil |
| Policy / Compliance Links: | • *Local Government Act 1995* |

## 1.3.3. Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare

| | |
|---|---|
| Delegator: | Chief Executive Officer |
| Express Power to Delegate: | *Local Government Act 1995:*<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Express Power or Duty Delegated: | *Local Government (Uniform Local Provisions) Regulations 1996*:<br>• r.6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a) |
| Delegate/s: | • Director Infrastructure Services<br>• Manager Works |
| Function: | When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.1.12:<br>1. Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP r.6(4)(d)]].<br>2. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b).<br>3. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP r.6(5)(d)]. |
| CEO Conditions on this Delegation: | a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.1.12 Obstruction of Footpaths and Thoroughfares.<br>b. Actions under this Delegation must comply with the procedural requirements detailed in *the Local Government (Uniform Local Provisions) Regulations 1996*.<br>c. Compliance with *Shire of Manjimup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2002*. |
| Express Power to Sub-Delegate: | Nil |
| Policy / Compliance Links: | • This delegated authority is effective only in alignment with Delegated Authority 1.1.12 Obstructions of Footpaths and Thoroughfares<br>• *Local Government (Uniform Local Provisions) Regulations 1996*<br>• Penalties under the *Local Government (Uniform Local Provisions) Regulations 1996* are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995*<br>• *Shire of Manjimup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2002* |

## 1.3.4. Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Throroughfares

| | |
|---|---|
| Delegator: | Chief Executive Officer |
| Express Power to Delegate: | *Local Government Act 1995:*<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Express Power or Duty Delegated: | *Local Government (Uniform Local Provisions) Regulations 1996*:<br>• r.11(6)(c) and (7)(c) Dangerous excavation in or near public thoroughfare – Sch. 9.1 cl.6 |
| Delegate/s: | • Director Infrastructure Services<br>• Manager Works |
| Function: | When determining to grant permission for a dangerous excavation under Delegated Authority 1.1.14:<br>1. Authority to determine, as a condition of granting permission, the sum sufficient to deposit to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.11(6)(c)].<br>2. Authority to determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience [r.11(7)(c)].<br>3. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. |
| CEO Conditions on this Delegation: | a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.1.14 Public Thoroughfare – Dangerous Excavations.<br>b. Actions under this Delegation must comply with the procedural requirements detailed in *the Local Government (Uniform Local Provisions) Regulations 1996*.<br>c. Compliance with *Shire of Manjimup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2002.* |
| Express Power to Sub-Delegate: | Nil |
| Policy / Compliance Links: | • This delegated authority is effective only in alignment with Delegated Authority 1.1.14 Public Thoroughfare – Dangerous Excavations<br>• *Local Government (Uniform Local Provisions) Regulations 1996*<br>• Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995*<br>• *Shire of Manjimup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2002* |

## 1.3.5. Determine and Manage Conditions on Permission for Private Works On, Over, or Under Public Places

| | |
|---|---|
| Delegator: | Chief Executive Officer |
| Express Power to Delegate: | *Local Government Act 1995:*<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Express Power or Duty Delegated: | *Local Government (Uniform Local Provisions) Regulations 1996*:<br>• r.17(5)(b) and r.17(6)(c) Private works on, over, or under public places — Sch. 9.1 cl. 8 |
| Delegate/s: | • Director Infrastructure Services<br>• Director Development Services<br>• Manager Works<br>• Manager Planning Services |
| Function: | 1. Authority to determine, as a condition of granting permission for Private Works in Public Places, the sum sufficient to deposit with the Local Government to cover the cost of repairing damage to the public thoroughfare or public place resulting from the crossing construction, on the basis that the Local Government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.17(5)(b)].<br>2. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [r.17(6)(c)]. |
| CEO Conditions on this Delegation: | a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.1.15 Private Works on, over or under Public Places.<br>b. Actions under this Delegation must comply with the procedural requirements detailed in *the Local Government (Uniform Local Provisions) Regulations 1996*.<br>c. Compliance with *Shire of Manjimup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2002.* |
| Express Power to Sub-Delegate: | Nil |
| Policy / Compliance Links: | • This delegated authority is effective only in alignment with Delegated Authority 1.1.15 Private Works on, over or under Public Places<br>• *Local Government (Uniform Local Provisions) Regulations 1996*<br>• Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995*<br>• *Shire of Manjimup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2002* |

## 1.3.6. Appoint Persons (other than employees) to Open Tenders

| | |
|---|---|
| Delegator: | Chief Executive Officer |
| Express Power to Delegate: | *Local Government Act 1995:*<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Express Power or Duty Delegated: | *Local Government (Functions and Genera) Regulations 1996*:<br>• r.16(3) Receiving and opening tenders, procedure for |
| Delegate/s: | • Director Infrastructure Services<br>• Director Business |
| Function: | 1. Authority to appoint one person (other than employees) to be present with an employee of the Local Government to open tenders, when two employees are unable to attend then tender opening [F&G r.16(3)]. |
| CEO Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | Nil |
| Policy / Compliance Links: | • *Local Government (Functions and General) Regulations 1996* |

## 1.3.7. Electoral Enrolment Eligibility Claims and Electoral Roll

| | |
|---|---|
| Delegator: | Chief Executive Officer |
| Express Power to Delegate: | *Local Government Act 1995:*<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Express Power or Duty Delegated: | *Local Government Act 1995*:<br>• s.4.32(4), (5A) & (5) Eligibility to enrol under s.4.30, how to claim<br>• s.4.34 Accuracy of enrolment details to be maintained<br>• s.4.35 Decision that eligibility to enrol under s.4.30 has ended<br>• s.4.37 New roll for each election<br><br>*Local Government (Elections) Regulations 1995*:<br>• r.11(1a) Nomination of co-owners or co-occupiers — s.4.31<br>• r.13(2) & (4) Register - s.4.32(6) |
| Delegate/s: | • Director Business<br>• Coordinator Finance and Administration Services<br>• Rates Officer |
| Function: | 1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)].<br>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)].<br>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)].<br>4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)].<br>5. Authority to approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their families' safety at risk [Elections r.13(2)].<br>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)].<br>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].<br>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.<br>9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)].<br>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)]. |
| CEO Conditions on this Delegation: | a. Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7). |
| Express Power to Sub-Delegate: | Nil |
| Policy / Compliance Links: | • *Local Government Act 1995*<br>• Department of Local Government, Sport and Cultural Industries: Returning Officer Manual |

## 1.3.8. Destruction of Electoral Papers

| | |
|---|---|
| Delegator: | Chief Executive Officer |
| Express Power to Delegate: | *Local Government Act 1995:*<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Express Power or Duty Delegated: | *Local Government (Elections) Regulations 1996*:<br>• r.82(4) Keeping election papers – s4.84(a) |
| Delegate/s: | • Director Business<br>• Records Officer |
| Function: | 1. Authority to, after a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [Elect. r.82(4)]. |
| CEO Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | Nil |
| Policy / Compliance Links: | • *Local Government Act 1995*<br>• Department of Local Government, Sport and Cultural Industries: Returning Officer Manual |

## 1.3.9. Information to be Available to the Public

| | |
|---|---|
| Delegator: | Chief Executive Officer |
| Express Power to Delegate: | *Local Government Act 1995:*<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Express Power or Duty Delegated: | *Local Government (Administration) Regulations 1996*:<br>• r.29B Copies of certain information not to be provided (Act s.5.96)<br><br>*Local Government Act 1995:*<br>• s.5.95(1)(b) & (3)(b) Limits on right to inspect local government information |
| Delegate/s: | • Director Business<br>• Director Community Services<br>• Rates Officer |
| Function: | 1. Authority to determine the manner and form by which a person may request copies of rates record information [s.5.94(m)] or owners and occupiers register and electoral rolls [s5.94(s)] and to make the information available, if satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes [Admin r.29B].<br>2. Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s5.95(1)(b)].<br>3. Authority to determine not to provide a right to inspect information contained in notice papers, agenda, minutes, or information tabled at a meeting, where it is considered that that part of the meeting could have been closed to members of the public but was not closed [s.5.94(3)(b)]. |
| CEO Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | Nil |
| Policy / Compliance Links: | • *Local Government Act 1995* |

## 1.3.10. Financial Management Systems and Procedures

| | |
|---|---|
| Delegator: | Chief Executive Officer |
| Express Power to Delegate: | *Local Government Act 1995:*<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Express Power or Duty Delegated: | *Local Government (Financial Management) Regulations 1996*:<br>• r.5 CEO's Duties as to financial management |
| Delegate/s: | • Director Business<br>• Coordinator Finance and Administration Services |
| Function: | 1. Authority to establish systems and procedures [FM r.5] which give effect to internal controls and risk mitigation for the:<br>i. Collection of money owed to the Shire of Manjimup;<br>ii. Safe custody and security of money collected or held by the Shire of Manjimup;<br>iii. Maintenance and security of all financial records, including payroll, stock control and costing records;<br>iv. Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities;<br>v. Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards;<br>vi. Making of payments in accordance with Delegated Authority 1.1.24;<br>vii. Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements. |
| CEO Conditions on this Delegation: | 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.<br>b. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Management Committee at least once each financial year [Audit r.17].<br>c. When exercising authority to authorise persons under FM.r.5 to incur liabilities:<br>i. A register of Authorisations is to be maintained as a Local Government Record.<br>ii. Only persons who are appropriately qualified and trained may be authorised for this purpose.<br>iii. Authorisations are to be provided in writing by issuing a Certificate of Authorisation. |
| Express Power to Sub-Delegate: | Nil |
| Policy / Compliance Links: | • *Local Government Act 1995*<br>• *Local Government (Financial Management) Regulations 1996*<br>• *Local Government (Audit) Regulations 1996*<br>• DLGSCI Operational Guideline No.11 – Use of Corporate Credit Cards |

## 1.3.11. Audit – CEO Review of Systems and Procedures

| | |
|---|---|
| Delegator: | Chief Executive Officer |
| Express Power to Delegate: | *Local Government Act 1995:*<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Express Power or Duty Delegated | *Local Government (Audit) Regulations 1996*:<br>• r.17 CEO to review certain systems and procedures |
| Delegate/s: | • Director Business |
| Function: | 1. Authority to conduct the review of the appropriateness and effectiveness of the Shire of Manjimup's systems and procedures in relation to:<br>i. risk management; and<br>ii. internal controls; and<br>iii. legislative compliance [r.17(1)]. |
| CEO Conditions on this Delegation: | a. Each matter is to be reviewed at least once in every 3 financial years, with a report on each matter to be provided to the Audit and Risk Management Committee that details the findings, including any identified deficiencies, and actions required. |
| Express Power to Sub-Delegate: | Nil |
| Policy / Compliance Links: | • *Local Government Act 1995*<br>• *Local Government (Audit) Regulations 1996* |

## 1.3.12. Infringement Notices

| | |
|---|---|
| Delegator: | Chief Executive Officer |
| Express Power to Delegate: | *Local Government Act 1995:*<br>• s.5.44 CEO may delegate some powers and duties to other employees |
| Express Power or Duty Delegated: | *Local Government Act 1995*:<br>• s.9.13(6)(b) Onus of proof in vehicle offences may be shifted<br>• s.9.19 Extension of Time<br>• s.9.20 Withdrawal of Notice<br><br>*Building Regulations 2012:*<br>• Regulation 70(1A), (1), (2) Approved officers and authorised officers |
| Delegate/s: | • Director Development Services<br>• Community Emergency Services Manager<br>• Senior Ranger |
| Function: | 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)].<br>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].<br>3. Authority to withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s.9.20]. |
| CEO Conditions on this Delegation: | 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.<br>b. The following listed positions are delegated the functions under s.9.19 and s.9.20 only as a precondition for appointment as an "Approved Officer" in accordance with *Building Regulation 70(1)* for the purposes of the *Criminal Procedure Act 2004* section 6(a) and *Building Act 2011* Infringement Notices:<br>(i) Director Infrastructure Services |
| Express Power to Sub-Delegate: | Nil |
| Policy / Compliance Links: | • *Local Government Act 1995* |

# 2. Building Act 2011 Delegations

## 2.1. Council to CEO / Employees

### 2.1.1. Grant a Building Permit

| | |
|---|---|
| Delegator: | Permit Authority (Local Government) |
| Express Power to Delegate: | *Building Act 2011:*<br>• s.127(1) & (3) Delegation: special permit authorities and local government |
| Express Power or Duty Delegated: | *Building Act 2011*:<br>• s.18 Further Information<br>• s.20 Grant of building permit<br>• s.22 Further grounds for not granting an application<br>• s.27(1) and (3) Impose Conditions on Permit<br><br>*Building Regulations 2012:*<br>• r.23 Application to extend time during which permit has effect (s.32)<br>• r.24 Extension of time during which permit has effect (s.32(3))<br>• r.26 Approval of new responsible person (s.35(c)) |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)].<br>2. Authority to grant or refuse to grant a building permit [s.20(1) & (2) and s.22].<br>3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and (3)].<br>4. Authority to determine an application to extend time during which a building permit has effect [r.23]:<br>i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)];<br>ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)].<br>5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26]. |
| Council Conditions on this Delegation: | a. Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the *Building Regulations 2012*. |
| Express Power to Sub-Delegate: | *Building Act 2011*:<br>• s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |
| Sub-Delegate/s Appointed by CEO: | • Director Development Services<br>• Manager Building Services<br>• Building Surveyor<br>• Building Officer<br>• Administration Officer Building Services |

| | |
|---|---|
| CEO Conditions on this Sub-Delegation: | a. Caution should be exercised if building is on a register made under the Heritage of Western Australia Act 1990. Additionally, the Shire's Municipal Heritage Inventory is to be consulted.<br>b. Administration Officer Building Services is delegated the functions of Section 18 – Further Information only. |
| Policy / Compliance Links: | • *Building Act 2011* s.119 Building and demolition permits – application for review by SAT, s.23 Time for deciding application for building or demolition permit, s.17 Uncertified application to be considered by building surveyor<br>• *Building Regulations 2012* r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) reviewable by SAT<br>• *Building Services (Registration Act) 2011* – Section 7<br>• *Home Building Contracts Act 1991* – Part 3A, Division 2, Part 7, Division 2<br>• *Building and Construction Industry Training Levy Act 1990*<br>• *Heritage Act 2018* |

## 2.1.2. Demolition Permits

| | |
|---|---|
| Delegator: | Permit Authority (Local Government) |
| Express Power to Delegate: | *Building Act 2011:*<br>• s.127(1) & (3) Delegation: special permit authorities and local government |
| Express Power or Duty Delegated: | *Building Act 2011*:<br>• s.18 Further Information<br>• s.21 Grant of demolition permit<br>• s.22 Further grounds for not granting an application<br>• s.27(1) and (3) Impose Conditions on Permit<br><br>*Building Regulations 2012*:<br>• r.23 Application to extend time during which permit has effect (s.32)<br>• r.24 Extension of time during which permit has effect (s.32(3))<br>• r.26 Approval of new responsible person (s.35(c)) |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)].<br>2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) & (2) and s.22].<br>3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and (3)].<br>4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]:<br>i. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)];<br>ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)].<br>5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26]. |
| Council Conditions on this Delegation: | a. Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the *Building Regulations 2012*. |
| Express Power to Sub-Delegate: | *Building Act 2011*:<br>• s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |
| Sub-Delegate/s Appointed by CEO: | • Director Development Services<br>• Manager Building Services<br>• Building Surveyor<br>• Building Officer<br>• Administration Officer Building Services |
| CEO Conditions on this Sub-Delegation: | a. Caution should be exercised if building is on a register made under the Heritage of Western Australia Act 1990. Additionally, the Shire's Municipal Heritage Inventory is to be consulted. |

| | |
|---|---|
| Policy / Compliance Links: | • *Building Act 2011* s.119 Building and demolition permits – application for review by SAT, s.23 Time for deciding application for building or demolition permit<br>• *Building Services (Complaint Resolution and Administration) Act 2011* Part 7, Division 2<br>• *Building and Construction Industry Training Levy Act 1990*<br>• *Heritage Act 2018*<br>• *Building Regulations 2012*<br>• *Building Services (Registration) Act 2011* |

## 2.1.3. Occupancy Permits or Building Approval Certificates

| | |
|---|---|
| Delegator: | Permit Authority (Local Government) |
| Express Power to Delegate: | *Building Act 2011:*<br>• s.127(1) & (3) Delegation: special permit authorities and local government |
| Express Power or Duty Delegated: | *Building Act 2011*:<br>• s.55 Further information<br>• s.58 Grant of occupancy permit, building approval certificate<br>• s.62(1) and (3) Conditions imposed by permit authority<br>• s.65(4) Extension of period of duration<br><br>Building Regulations 2012<br>• r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65) |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55].<br>2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58].<br>3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)].<br>4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40]. |
| Council Conditions on this Delegation: | a. Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the *Building Regulations 2012*. |
| Express Power to Sub-Delegate: | *Building Act 2011*:<br>• s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |
| Sub-Delegate/s Appointed by CEO: | • Director Development Services<br>• Manager Building Services<br>• Building Surveyor<br>• Building Officer<br>• Administration Officer Building Services |
| CEO Conditions on this Sub-Delegation: | Nil. |
| Policy / Compliance Links: | • *Building Act 2011*<br>• *Building Regulations 2012*<br>• *Shire of Manjimup Health Local Law 2020* (as amended)<br>• *Health (Miscellaneous Provisions) Act 1911*<br>• *Building Services (Complaint Resolution and Administration) Act 2011* Part 7, Division 2<br>• *Building and Construction Industry Training Levy Act 1990*<br>• *Heritage Act 2018* |

## 2.1.4. Designate Employees as Authorised Persons

| | |
|---|---|
| Delegator: | Permit Authority (Local Government) |
| Express Power to Delegate: | *Building Act 2011:*<br>• s.127(1) & (3) Delegation: special permit authorities and local government |
| Express Power or Duty Delegated: | *Building Act 2011*:<br>• s.96(3) authorised persons<br>• s.99(3) Limitation on powers of authorised person |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to designate an employee as an authorised person [s.96(3)].<br>2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)]. |
| Council Conditions on this Delegation: | a. Decisions under this delegated authority should be in accordance with r.5 of the *Building Regulations 2012*.<br>b. NOTE: An *authorised person* for the purposes of sections 96(3) and 99(3) is not an *approved officer* or *authorised officer* for the purposes of Building Regulation 70. |
| Express Power to Sub-Delegate: | *Building Act 2011*:<br>• s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |
| Sub-Delegate/s Appointed by CEO: | Nil |
| CEO Conditions on this Sub-Delegation: | N/A |
| Policy / Compliance Links: | • *Building Act 2011*<br>• *Building Regulations 2012*<br>• Decision Making in Practice Toolkit, Part 3 WALGA Authorisations |

## 2.1.5. Designate Contractors / Employees of Contracted Service Providers as Authorised Persons (Inspectors)

| | |
|---|---|
| Delegator: | Permit Authority (Local Government) |
| Express Power to Delegate: | *Building Act 2011:*<br>• s.127(1) & (3) Delegation: special permit authorities and local government |
| Express Power or Duty Delegated: | *Building Regulations 2012:*<br>• r.4 Authorised persons |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to designate a person contracted, or employed by an entity contracted, by the Shire of Manjimup as an authorised person [r.4A(2)] for the purposes of monitoring whether Part 8 provisions are being complied with.<br>2. Authority to revoke designation as an authorised person [r.4A(4)]. |
| Council Conditions on this Delegation: | a. Designation of authorised persons under this delegation is limited to performing Authorised Person functions under s.93(2)(d). |
| Express Power to Sub-Delegate: | *Building Act 2011*:<br>• s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |
| Sub-Delegate/s Appointed by CEO: | Nil |
| CEO Conditions on this Sub-Delegation: | N/A |
| Policy / Compliance Links: | • *Building Regulations 2012*<br>r.4B Identity cards |

## 2.1.6. Appoint Approved Officers and Authorised Officers

| | |
|---|---|
| Delegator: | Permit Authority (Local Government) |
| Express Power to Delegate: | *Building Act 2011:*<br>• s.127(1) & (3) Delegation: special permit authorities and local government |
| Express Power or Duty Delegated: | *Building Regulations 2012:*<br>• r.70 Approved officers and authorised officers |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to appoint an approved officer for the purposes of s.6(a) of the *Criminal Procedure Act 2004*, in accordance with Building Regulation 70(1) and (1A).<br>*NOTE: Only employees delegated under s 5.44(1) of the Local Government Act 1995 with power under s.9.19 or s.9.20 may be appointed as "approved officers".*<br>2. Authority to appoint an authorised officer for the purposes of s.6(b) of the *Criminal Procedure Act 2004*, in accordance with Building Regulation 70(2).<br>*NOTE: Only employees appointed under s 9.10 of the Local Government Act 1995 and authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as "authorised officers" for the purposes of Building Regulation 70(2).* |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | *Building Act 2011*:<br>• s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |
| Sub-Delegate/s Appointed by CEO: | Nil |
| CEO Conditions on this Sub-Delegation: | N/A |
| Policy / Compliance Links: | • *Building Regulations 2012*<br>r 70(3) each authorised officer must be issued a certificate of appointment |

## 2.1.7. Building Orders

| | |
|---|---|
| Delegator: | Permit Authority (Local Government) |
| Express Power to Delegate: | *Building Act 2011:*<br>• s.127(1) & (3) Delegation: special permit authorities and local government |
| Express Power or Duty Delegated: | *Building Act 2011*:<br>• s.110 Building orders<br>• s.111 Notice of proposed building order other than building order (emergency)<br>• s.117 Revocation of building order<br>• s.118 Permit authority may give effect to building order if non-compliance<br>• s.133(1) Prosecutions |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to make Building Orders in relation to:<br>i. Building work;<br>ii. Demolition work;<br>iii. An existing building or incidental structure [s.110(1)].<br>2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)].<br>3. Authority to revoke a building order [s.117].<br>4. If there is non-compliance with a building order, authority to cause an authorised person to:<br>i. take any action specified in the order; or<br>ii. commence or complete any work specified in the order; or<br>iii. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)].<br>5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)].<br>6. Authority to authorise a person to commence a prosecution for an offence against the *Building Act 2011* [s.133(1)(b)]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | *Building Act 2011*:<br>• s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |
| Sub-Delegate/s Appointed by CEO: | • Director Development Services<br>• Manager Building Services |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • *Building Act 2011* |

## 2.1.8. Inspection and Copies of Building Records

| | |
|---|---|
| Delegator: | Permit Authority (Local Government) |
| Express Power to Delegate: | *Building Act 2011:*<br>• s.127(1) & (3) Delegation: special permit authorities and local government |
| Express Power or Duty Delegated: | *Building Act 2011*:<br>• s.131(2) Inspection, copies of building records |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)]. |
| Council Conditions on this Delegation: | a. Only Interested persons can inspect building records – an interested person means:<br>i. an owner of the building or incidental structure to which the building record relates; or<br>ii. a person who has the written consent of an owner mentioned in paragraph (a) to inspect, or receive a copy of, a building record relating to the owner; or<br>iii. a person, or a person belonging to a prescribed class of persons. |
| Express Power to Sub-Delegate: | *Building Act 2011*:<br>• s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |
| Sub-Delegate/s Appointed by CEO: | • Director Development Services<br>• Manager Building Services<br>• Building Surveyor<br>• Building Officer<br>• Administration Officer Building Services |
| CEO Conditions on this Sub-Delegation: | a. Building records may only be provided to the owner of the building, or to a third party with the written approval of the landowner to do so. |
| Policy / Compliance Links: | • *Building Act 2011* s.146 Confidentiality |

## 2.1.9. Referrals and Issuing Certificates

| | |
|---|---|
| Delegator: | Permit Authority (Local Government) |
| Express Power to Delegate: | *Building Act 2011:*<br>• s.127(1) & (3) Delegation: special permit authorities and local government |
| Express Power or Duty Delegated: | *Building Act 2011*:<br>• s.145A Local Government functions |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)].<br>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 of Manjimup's District [s.145A(2)]. |
| Council Conditions on this Delegation: | a. Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the *Building Regulations 2012*. |
| Express Power to Sub-Delegate: | *Building Act 2011*:<br>• s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |
| Sub-Delegate/s Appointed by CEO: | • Director Development Services<br>• Manager Building Services<br>• Building Surveyor<br>• Building Officer<br>• Administration Officer Building Services |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • *Building Act 2011* |

## 2.1.10. Private Pool Barrier – Alternative and Performance Solutions

| | |
|---|---|
| Delegator: | Permit Authority (Local Government) |
| Express Power to Delegate: | *Building Act 2011:*<br>• s.127(1) & (3) Delegation: special permit authorities and local government |
| Express Power or Duty Delegated: | *Building Regulations 2012*:<br>• r.51 Approvals by permit authority |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926.1 [r.51(2)].<br>2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)].<br>3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)]. |
| Council Conditions on this Delegation: | a. Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the *Building Regulations 2012*.<br>b. Decisions under this delegation must be consistent with modifications to AS 1926.1-2012 prescribed in Building Regulation 15B. |
| Express Power to Sub-Delegate: | *Building Act 2011*:<br>• s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |
| Sub-Delegate/s Appointed by CEO: | • Director Development Services<br>• Manager Building Services<br>• Building Surveyor<br>• Building Officer<br>• Administration Officer Building Services |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • *Building Act 2011*<br>• *Building Regulations 2012* |

## 2.1.11. Smoke Alarms – Alternative Solutions

| | |
|---|---|
| Delegator: | Permit Authority (Local Government) |
| Express Power to Delegate: | *Building Act 2011:*<br>• s.127(1) & (3) Delegation: special permit authorities and local government |
| Express Power or Duty Delegated: | *Building Regulations 2012:*<br>• r.55 Terms Used (alternative building solution approval)<br>• r.61 Local Government approval of battery powered smoke alarms |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55].<br>2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61]. |
| Council Conditions on this Delegation: | a. Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the *Building Regulations 2012*. |
| Express Power to Sub-Delegate: | *Building Act 2011*:<br>• s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |
| Sub-Delegate/s Appointed by CEO: | • Director Development Services<br>• Manager Building Services |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • *Building Act 2011*<br>• *Building Regulations 2012* |

# 3. Bush Fires Act 1954 Delegations

## 3.1. Council to CEO, President and Bush Fire Control Officer

### 3.1.1. Make Request to FES Commissioner – Control of Fire

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Bush Fires Act 1954:*<br>• s.48 Delegation by local government |
| Express Power or Duty Delegated: | *Bush Fires Act 1954:*<br>• s.13(4) Duties and powers of bush fire liaison officers |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to request on behalf of the Shire of Manjimup that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s.13(4)]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | Nil – Sub-delegation is prohibited by s.48(3) |
| Policy / Compliance Links: | • *Bush Fires Act 1954* |

## 3.1.2. Prohibited Burning Times – Vary

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Bush Fires Act 1954:*<br>• s.48 Delegation by local government<br>• s.17(10) Prohibited burning times may be declared by Minister (power of delegation to mayor or president and Chief Bush Fire Control Officer for ONLY powers under s.17(7) and (8)) |
| Express Power or Duty Delegated: | *Bush Fires Act 1954:*<br>• s.17(7) Prohibited burning times may be declared by Minister<br><br>*Bush Fire Regulations 1954:*<br>• r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.<br>• r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times<br>• r.39B Crop dusters etc., use of in restricted or prohibited burning times |
| Delegate: | Shire President and Chief Bush Fire Control Officer (jointly) |
| Function: | 1. Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised *Conservation and Land Management Act 1984* Officer [s.17(7)]. |
| Council Conditions on this Delegation: | a. 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). |
| Express Power to Sub-Delegate: | Nil – Sub-delegation is prohibited by s.48(3) |
| Policy / Compliance Links: | • *Bush Fires Act 1954*<br>• *Bush Fire Regulations 1954* |

## 3.1.3. Prohibited Burning Times – Control Activities

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Bush Fires Act 1954:*<br>• s.48 Delegation by local government |
| Express Power or Duty Delegated: | *Bush Fires Act 1954:*<br>• s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions<br>• s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land<br><br>*Bush Fire Regulations 1954:*<br>• r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.<br>• r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times<br>• r.39B Crop dusters etc., use of in restricted or prohibited burning times |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15].<br>2. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].<br>3. Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)].<br>4. Authority to issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].<br>5. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].<br>6. Authority to recover the cost of measures taken by the Shire of Manjimup or Bush Fire Control Officer, to extinguish a fire burning during Prohibited Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | Nil – Sub-delegation is prohibited by s.48(3) |
| Policy / Compliance Links: | • *Bush Fires Act 1954*<br>• *Bush Fire Regulations 1954* |

## 3.1.4. Restricted Burning Times – Vary and Control Activities

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Bush Fires Act 1954:*<br>• s.48 Delegation by local government |
| Express Power or Duty Delegated: | *Bush Fires Act 1954:*<br>• s.18(5), (11) Restricted burning times may be declared by FES Commissioner<br>• s.22(6) and (7) Burning on exempt land and land adjoining exempt land<br>• s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions<br>• s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land<br><br>*Bush Fire Regulations 1954:*<br>• r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.<br>• r.15C Local Government may prohibit burning on certain days<br>• r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times<br>• r.39B Crop dusters etc., use of in restricted or prohibited burning times |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority, where seasonal conditions warrant it and after consultation with an authorised Officer under the *Conservation and Land Management Act 1984*, to determine to vary the restricted burning times in respect of that year [s.18(5)].<br>i. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C].<br>2. Authority, where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)].<br>3. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15].<br>4. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning firebreaks 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)].<br>5. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].<br>6. Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B].<br>7. Authority to issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B (3)].<br>8. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for |

| | |
|---|---|
| | use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].<br>9. Authority to recover the cost of measures taken by the Shire of Manjimup 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)]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | Nil – Sub-delegation is prohibited by s.48(3) |
| Policy / Compliance Links: | • *Bush Fires Act 1954*<br>• *Bush Fire Regulations 1954* |

## 3.1.5. Control of Infrastructure Services Likely to Create Bush Fire Danger

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Bush Fires Act 1954:*<br>• s.48 Delegation by local government |
| Express Power or Duty Delegated: | *Bush Fires Act 1954:*<br>• s.27D Requirements for carriage and deposit of incendiary material<br><br>*Bush Fires Regulations 1954:*<br>• r.39C Welding and cutting apparatus, use of in open air<br>• r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc.<br>• r.39D Explosives, use of<br>• r.39E Fireworks, use of |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from:<br>i. a person operating a bee smoker device during a prescribed period [r.39CA (5)];<br>ii. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C (3)];<br>iii. a person using explosives [r.39D (2)];<br>iv. a person using fireworks [r.39E (3).<br>2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D].<br><br>*Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised Conservation and Land Management Act 1984 Officer.* |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | Nil – Sub-delegation is prohibited by s.48(3) |
| Policy / Compliance Links: | • *Bush Fires Act 1954*<br>• *Bush Fire Regulations 1954* |

## 3.1.6. Burning Garden Refuse / Open Air Fires

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Bush Fires Act 1954:*<br>• s.48 Delegation by local government |
| Express Power or Duty Delegated: | *Bush Fires Act 1954:*<br>• s.24F Burning garden refuse during limited burning times<br>• s.24G Minister or local government may further restrict burning of garden refuse<br>• s.25 No fire to be lit in open air unless certain precautions taken<br>• s.25A Power of Minister to exempt from provisions of section 25<br><br>*Bush Fires Regulations 1954:*<br>• r.27(3) Permit, issue of |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)].<br>2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G (2)]:<br>i. Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3) and r.33(5)];<br>ii. 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].<br>3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of:<br>i. camping or cooking [s.25(1)(a)];<br>ii. conversion of bus into charcoal or for the production of lime, in consultation with an authorised Officer under the *Conservation and Land Management Act 1984* [s.25(1)(b)].<br>4. Authority to prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s.25(1a) and (1b)].<br>5. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | Nil – Sub-delegation is prohibited by s.48(3) |
| Policy / Compliance Links: | • *Bush Fires Act 1954*<br>• *Bush Fire Regulations 1954* |

## 3.1.7. Firebreaks

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Bush Fires Act 1954:*<br>• s.48 Delegation by local government |
| Express Power or Duty Delegated: | *Bush Fires Act 1954:*<br>• s.33 Local government may require occupier of land to plough or clear fire-breaks |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring:<br>i. clearing of firebreaks as determined necessary and specified in the notice;<br>ii. 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;<br>iii. as a separate or coordinated action with any other person carry out similar actions [s.33(1)]; and<br>iv. determine that these matters have been acted upon to the satisfaction of the Shire of Manjimup.<br>2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)]:<br>i. a. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | Nil – Sub-delegation is prohibited by s.48(3) |
| Policy / Compliance Links: | • *Bush Fires Act 1954* |

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

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Bush Fires Act 1954:*<br>• s.48 Delegation by local government |
| Express Power or Duty Delegated: | *Bush Fires Act 1954:*<br>• s.38 Local Government may appoint bush fire control officer |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the *Bush Fires Act 1954*; and<br>i. Of those Officers, appoint 2 as the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer; and<br>ii. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)].<br>2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire of Manjimup [s.38(5A)].<br>3. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)]:<br>i. Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | Nil – Sub-delegation is prohibited by s.48(3) |
| Policy / Compliance Links: | • *Bush Fires Act 1954* |

## 3.1.9. Control and Extinguishment of Bush Fires

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Bush Fires Act 1954:*<br>• s.48 Delegation by local government |
| Express Power or Duty Delegated: | *Bush Fires Act 1954:*<br>• s.46 Bush fire control officer or forest officer may postpone lighting fire |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to prohibit or postpose 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)].<br>i. Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised Officer under the *Conservation and Land Management Act 1984* is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | Nil – Sub-delegation is prohibited by s.48(3) |
| Policy / Compliance Links: | • *Bush Fires Act 1954* |

## 3.1.10. Recovery of Expenses Incurred through Contraventions of the Bush Fires Act 1954

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Bush Fires Act 1954:*<br>• s.48 Delegation by local government |
| Express Power or Duty Delegated: | *Bush Fires Act 1954:*<br>• s.58 General penalty and recovery of expenses incurred |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to recover expenses incurred as a result of an offence against the Bush Fires Act, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Shire of Manjimup or those on behalf of the Shire of Manjimup to do [s.58]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | Nil – Sub-delegation is prohibited by s.48(3) |
| Policy / Compliance Links: | • *Bush Fires Act 1954* |

## 3.1.11. Prosecution of Offences

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Bush Fires Act 1954:*<br>• s.59(3) Prosecution of offences |
| Express Power or Duty Delegated: | *Bush Fires Act 1954:*<br>• s.59 Prosecution of offences<br>• s.59A(2) Alternative procedure – infringement notices |
| Delegate: | Chief Executive Officer<br>Director Development Services<br>Community Emergency Services Manager<br>Senior Ranger<br>Ranger(s) |
| Function: | 1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59].<br>2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)]. |
| Council Conditions on this Delegation: | a. Section 59A Alternative Procedure – Infringement Notices of the Act must be complied with.<br>b. CEO authorised for both Functions 1 & 2.<br>c. Director Development Services, Community Emergency Services Manager, Senior Ranger and Ranger(s) authorised for Function 2 (infringement notices) only. |
| Express Power to Sub-Delegate: | Nil – Sub-delegation is prohibited by s.48(3) |
| Policy / Compliance Links: | • *Bush Fires Act 1954* s.65 Proof of certain matters & s. 66 Proof of ownership or occupancy |

# 4. Cat Act 2011 Delegations

## 4.1. Council to CEO

### 4.1.1. Cat Registrations

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Cat Act 2011:*<br>• s.44 Delegation by local government |
| Express Power or Duty Delegated: | *Cat Act 2011*:<br>• s.9 Registration<br>• s.10 Cancellation of registration<br>• s.11 Registration numbers, certificates and tags<br><br>*Cat Regulations 2012*<br>• Schedule 3, cl.1(4) Fees Payable |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)].<br>2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)].<br>3. Authority to cancel a cat registration [s.10].<br>4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)].<br>5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire of Manjimup's District [Regs. Sch. 3 cl.1(4)]. |
| Council Conditions on this Delegation: | a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the *Cat Act 2011*. |
| Express Power to Sub-Delegate: | *Cat Act 2011:*<br>• s.45 Delegation by CEO of local government |
| Sub-Delegate/s Appointed by CEO: | • Senior Customer Service Officer<br>• Customer Service Officer(s)<br>• Senior Administration and Property Officer<br>• Rates Officer |
| CEO Conditions on this Sub-Delegation: | a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the Cat Act 2011. |
| Policy / Compliance Links: | • *Cat Act 2011*<br>• *Cat Regulations 2012*<br>• *Shire of Manjimup Cat Local Law 2021* (as amended)<br>• Decisions are subject to Objection and Review by the State Administration Tribunal rights |

## 4.1.2. Cat Control Notices

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Cat Act 2011:*<br>• s.44 Delegation by local government |
| Express Power or Duty Delegated: | *Cat Act 2011*:<br>• s.26 Cat control notice may be given to cat owner |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire of Manjimup's District [s.26]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | *Cat Act 2011:*<br>• s.45 Delegation by CEO of local government |
| Sub-Delegate/s Appointed by CEO: | • Director Development Services<br>• Community Emergency Services Manager<br>• Senior Ranger |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • *Cat Act 2011*<br>• *Cat Regulations 2012* – r.20 Cat control notice [s.23(3)] prescribes the Form of the notice<br>• *Shire of Manjimup Cat Local Law 2021* (as amended) |

## 4.1.3. Approval to Breed Cats

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Cat Act 2011:*<br>• s.44 Delegation by local government |
| Express Power or Duty Delegated: | *Cat Act 2011*:<br>• s.37 Approval to Breed Cats<br>• s.38 Cancellation of approval to breed cats<br>• s.39 Certificate to be given to approved cat breeder |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)].<br>2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)].<br>3. Authority to cancel an approval to breed cats [s.38].<br>4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)]. |
| Council Conditions on this Delegation: | a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the *Cat Act 2011*.<br>b. The Officer that approved an application to breed cats cannot cancel the approval. |
| Express Power to Sub-Delegate: | *Cat Act 2011:*<br>• s.45 Delegation by CEO of local government |
| Sub-Delegate/s Appointed by CEO: | • Director Development Services<br>• Community Emergency Services Manager<br>• Senior Ranger<br>• Senior Customer Service Officer<br>• Customer Service Officer(s) |
| CEO Conditions on this Sub-Delegation: | a. Senior Customer Service Officer and Customer Service Officer(s) are authorised to perform Function 4 only. |
| Policy / Compliance Links: | • *Shire of Manjimup Cat Local Law 2021* (as amended)<br>• *Cat Act 2011*<br>• *Cat Regulations 2012*<br>r.21 Application for approval to breed cats (s.36(2))<br>r.22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f))<br>r.23 Person who not be refused approval to breed cats (s.37(5))<br>r.24 Duration of approval to breed cats (s.37(6))<br>r.25 Certificate given to approved cat breeder (s.39(1)) |

## 4.1.4. Recovery of Costs – Destruction of Cats

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Cat Act 2011:*<br>• s.44 Delegation by local government |
| Express Power or Duty Delegated: | *Cat Act 2011*:<br>• s.49(3) Authorised person may cause cat to be destroyed |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | *Cat Act 2011:*<br>• s.45 Delegation by CEO of local government |
| Sub-Delegate/s Appointed by CEO: | • Director Development Services<br>• Community Emergency Services Manager<br>• Senior Ranger |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • *Cat Act 2011*<br>• *Cat Regulations 2012*<br>• *Shire of Manjimup Cat Local Law 2021* (as amended) |

## 4.1.5. Authorise a person to perform Specified functions under the *Cat Act 2011*

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Cat Act 2011:*<br>• s.44 Delegation by local government |
| Express Power or Duty Delegated: | *Cat Act 2011*:<br>• s.73 Prosecutions |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to authorise a person to commence a prosecution for an offence against the *Cat Act 2011* and the *Shire of Manjimup Cat Local Law 2021* (as amended) [s.73(1)(b) & (2)(b)] |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | *Cat Act 2011:*<br>• s.45 Delegation by CEO of local government |
| Sub-Delegate/s Appointed by CEO: | Nil |
| CEO Conditions on this Sub-Delegation: | N/A |
| Policy / Compliance Links: | • *Cat Act 2011*<br>• *Cat Regulations 2012*<br>• *Shire of Manjimup Cat Local Law 2021* (as amended) |

## 4.1.6. Applications to Keep Additional Cats

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Cat Act 2011:*<br>• s.44 Delegation by local government |
| Express Power or Duty Delegated: | *Cat (Uniform Local Provisions) Regulations 2013*:<br>• r.8 Application to keep additional number of cats<br>• r.9 Grant of approval to keep additional number of cats |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to require any document or additional information required to determine an application [r.8(3)]<br>2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)].<br>3. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9]. |
| Council Conditions on this Delegation: | a. Notices of decisions must include advice as to Review rights in accordance with r.11 of the *Cat (Uniform Local Provisions) Regulations 2013*.<br>b. Decisions are to be made based on the advice received from the Senior Ranger, Ranger.<br>c. Neighbour consultation must be undertaken. |
| Express Power to Sub-Delegate: | *Cat Act 2011:*<br>• s.45 Delegation by CEO of local government |
| Sub-Delegate/s Appointed by CEO: | • Director Development Services<br>• Community Emergency Services Manager<br>• Senior Ranger |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • *Cat Act 2011* and *Cat Regulations 2012*<br>• *Shire of Manjimup Cat Local Law 2021* (as amended) |

## 4.1.7. Reduce or Waiver Registration Fee

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Cat Act 2011:*<br>• s.44 Delegation by local government |
| Express Power or Duty Delegated: | *Cat Regulations 2012*:<br>• Schedule 3 Fees clause 1(4) |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat. |
| Council Conditions on this Delegation: | a. This delegation does not provide authority to determine to reduce or waiver the fees payable in regard to any class of cat 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*. |
| Express Power to Sub-Delegate: | *Cat Act 2011:*<br>• s.45 Delegation by CEO of local government |
| Sub-Delegate/s Appointed by CEO: | • Director Development Services |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • *Cat Act 2011*<br>• *Cat Regulations 2012*<br>• *Shire of Manjimup Cat Local Law 2021* (as amended) |

## 4.2. CEO to Employees

### 4.2.1. Infringement Notices – Extensions and Withdrawals

| | |
|---|---|
| Delegator: | Chief Executive Officer |
| Express Power to Delegate: | *Cat Act 2011:*<br>• s.45 Delegation by CEO of local government |
| Express Power or Duty Delegated: | *Cat Act 2011*:<br>• s.64 Extension of time<br>• s.65 Withdrawal of notice |
| Delegate/s: | Director Development Services<br>Community Emergency Services Manager |
| Function: | 1. Authority to extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed [s.64].<br>2. Authority, within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s.65]. |
| Council Conditions on this Delegation: | a. The maximum extension is 28 days.<br>b. The officer who issued the notice cannot withdraw the notice. |
| Express Power to Sub-Delegate: | Nil |
| Policy / Compliance Links: | • *Cat Act 2011*<br>• *Cat Regulations 2012*<br>• *Shire of Manjimup Cat Local Law 2021* (as amended) |

# 5. Dog Act 1976 Delegations

## 5.1. Council to CEO

### 5.1.1. Appoint Registration Officer

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Dog Act 1976:*<br>• s.10AA Delegation of local government powers and duties |
| Express Power or Duty Delegated: | *Dog Act 1976*:<br>• s.3 Terms Used (*Registration officer means a person authorised by the local government to effect the registration of dogs pursuant to this Act*) |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to authorise a person for the purposes of performing the prescribed office of Registration Officer under the *Dog Act 1976* [s.3]. |
| Council Conditions on this Delegation: | a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].<br>b. A register of Authorisations is to be maintained as a Local Government Record.<br>c. Only persons who are appropriately trained may be appointed as Authorised persons.<br>d. Authorisations are to be provided in writing by issuing a Certificate of Authorisation. |
| Express Power to Sub-Delegate: | *Dog Act 1976:*<br>• s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation) |
| Sub-Delegate/s Appointed by CEO: | • Director Development Services |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • *Dog Act 1976* Division 1 Registration<br>• *Dogs Local Law 2004* (as amended) |

## 5.1.2. Grant Exemption as to Number of Dogs Kept at Premises

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Dog Act 1976:*<br>• s.10AA Delegation of local government powers and duties |
| Express Power or Duty Delegated: | *Dog Act 1976*:<br>• s.26(3) Limitation as to numbers |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to approve, and determine conditions that apply to, an exemption as to the limit to the number of dogs that can be kept at a premises [s.26(3)]. |
| Council Conditions on this Delegation: | a. The CEO may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation [s.10AA(3)].<br>b. Decisions under this delegation must comply with the relevant provisions of the *Dog Act 1976* and the *Shire of Manjimup Dogs Local Law 2004* (as amended), including:<br>i. Consider and be satisfied that for any particular premises the provisions of the *Dog Act 1976* relating to kennel establishments need not be applied in the circumstances [s.26(3)];<br>ii. Apply the provisions of s.26(4).<br>c. Conditions that must be applied to an approved exemption, include:<br>i. Fencing at the premises must be adequate and maintained to prevent the dogs from leaving the premises, to the satisfaction of the CEO;<br>ii. Registrations for each dog subject of the approved exemption must be current and maintained;<br>iii. An exemption applies only to the dogs registered and listed in the approval and as such cannot be transferred to another dog.<br>d. Prior to granting an exemption the following must be undertaken:<br>i. An application for exemption must be made and paid for by the applicant;<br>ii. A Ranger must inspect the proposed property and be satisfied with the property being suitable for the management of the amount of proposed dogs;<br>iii. Neighbour consultation must be undertaken, and any objections being received given due consideration;<br>iv. The request not exceeding any of the maximum requirements outlined in the Act;<br>v. Written advice from the Ranger received providing a recommendation and comment on any previous issues relating to the property or animals on the property. |
| Express Power to Sub-Delegate: | *Dog Act 1976:*<br>• s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation) |
| Sub-Delegate/s Appointed by CEO: | • Director Development Services<br>• Community Emergency Services Manager<br>• Senior Ranger |

| | |
|---|---|
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • *Dog Act 1976*<br>• *Shire of Manjimup Dogs Local Law 2004* (as amended) |

## 5.1.3. Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Dog Act 1976:*<br>• s.10AA Delegation of local government powers and duties |
| Express Power or Duty Delegated: | *Dog Act 1976*:<br>• s.10A Payments to veterinary surgeons towards costs of sterilisation |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to determine where a resident who is the owner of a registered dog, would suffer hardship in paying the whole of the cost of sterilisation and determine to pay part of such costs to a maximum value of 50% [s.10A(1)(a) and (3)].<br>2. Authority to give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation [s.10A(1)(b) and (2)]. |
| Council Conditions on this Delegation: | a. The CEO may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation [s. 10AA(3)]. |
| Express Power to Sub-Delegate: | *Dog Act 1976:*<br>• s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation). |
| Sub-Delegate/s Appointed by CEO: | • Director Development Services |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • *Dog Act 1976*<br>• *Shire of Manjimup Dogs Local Law 2004* (as amended) |

## 5.1.4. Refuse or Cancel Dog Registration

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Dog Act 1976:*<br>• s.10AA Delegation of local government powers and duties |
| Express Power or Duty Delegated: | *Dog Act 1976*:<br>• s.15(2) and (4A) Registration periods and fees<br>• s.16(3) Registration procedure<br>• s.17A(2) If no application for registration made<br>• s.17(4) and (6) Refusal or cancellation of registration |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)].<br>2. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where:<br>i. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against *Dog Act 1976*, the *Cat Act 2011* or the *Animal Welfare Act 2002*; or<br>ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease; or<br>iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept;<br>iv. the dog is required to be microchipped but is not microchipped; or<br>v. the dog is a dangerous dog [s.16(3) and s.17A(2)].<br>3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire of Manjimup's District [s15(4A)].<br>4. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed [s.17(4)].<br>i. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had be found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]. |
| Council Conditions on this Delegation: | a. The CEO may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation [s.10AA(3)].<br>b. Maximum discount given per annum is 50%. |
| Express Power to Sub-Delegate: | *Dog Act 1976:*<br>• s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation). |
| Sub-Delegate/s Appointed by CEO: | • Director Development Services<br>• Community Emergency Services Manager<br>• Senior Ranger |

| | |
|---|---|
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • *Dog Act 1976*<br>• *Shire of Manjimup Dogs Local Law 2004* (as amended)<br>• Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and (6) |

## 5.1.5. Kennel Establishments

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Dog Act 1976:*<br>• s.10AA Delegation of local government powers and duties |
| Express Power or Duty Delegated: | *Dog Act 1976*:<br>• s.27 Licensing of approved kennel establishments |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)]. |
| Council Conditions on this Delegation: | a. The CEO may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation [s.10AA(3)].<br>b. Application processing and decisions made under this delegation are to comply with the Shire of Manjimup *Dogs Local Law 2004* (as amended). |
| Express Power to Sub-Delegate: | *Dog Act 1976:*<br>• s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation). |
| Sub-Delegate/s Appointed by CEO: | • Director Development Services<br>• Community Emergency Services Manager |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • *Dog Act 1976* and *Shire of Manjimup Dogs Local Law 2004* (as amended)<br>• Note – Decisions under this delegation may be referred for review by the State Administration Tribunal |

## 5.1.6. Recovery of Moneys Due Under this Act

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Dog Act 1976:*<br>• s.10AA Delegation of local government powers and duties |
| Express Power or Duty Delegated: | *Dog Act 1976*:<br>• s.29(5) Power to seize dogs |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)]. |
| Council Conditions on this Delegation: | a. The CEO may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation [s.10AA(3)]. |
| Express Power to Sub-Delegate: | *Dog Act 1976:*<br>• s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation). |
| Sub-Delegate/s Appointed by CEO: | • Director Development Services<br>• Community Emergency Services Manager<br>• Senior Ranger |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • *Dog Act 1976*<br>• Includes recovery of expenses relevant to:<br>s.30A(3) Operator of dog management facility may have dog microchipped at owner's expense;<br>s.33M Local government expenses to be recoverable;<br>s.47 Veterinary service expenses recoverable from local government;<br>r.31 Local government expenses as to dangerous dogs (declared)<br>• *Shire of Manjimup Dogs Local Law 2004* (as amended) |

## 5.1.7. Dispose of or Sell Dogs Liable to be Destroyed

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Dog Act 1976:*<br>• s.10AA Delegation of local government powers and duties |
| Express Power or Duty Delegated: | *Dog Act 1976*:<br>• s.29(11) Power to seize dogs |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)]. |
| Council Conditions on this Delegation: | a. The CEO may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation [s.10AA(3)].<br>b. Proceeds from the sale of dogs are to be directed into the Municipal Fund. |
| Express Power to Sub-Delegate: | *Dog Act 1976:*<br>• s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation). |
| Sub-Delegate/s Appointed by CEO: | • Director Development Services<br>• Community Emergency Services Manager<br>• Senior Ranger |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • *Dog Act 1976*<br>• *Shire of Manjimup Dogs Local Law 2004* (as amended) |

## 5.1.8. Declare Dangerous Dog

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Dog Act 1976:*<br>• s.10AA Delegation of local government powers and duties |
| Express Power or Duty Delegated: | *Dog Act 1976*:<br>• s.33E(1) Individual dog may be declared to be dangerous dog (declared) |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to declare an individual dog to be a dangerous dog [s.33E(1)]. |
| Council Conditions on this Delegation: | a. The CEO may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation [s.10AA(3)]. |
| Express Power to Sub-Delegate: | *Dog Act 1976:*<br>• s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation). |
| Sub-Delegate/s Appointed by CEO: | • Director Development Services<br>• Community Emergency Services Manager<br>• Senior Ranger |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • *Dog Act 1976 & Shire of Manjimup Dogs Local Law 2004* (as amended)<br>• Note – Decisions under this delegation may be referred for review by the State Administration Tribunal |

## 5.1.9. Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Dog Act 1976:*<br>• s.10AA Delegation of local government powers and duties |
| Express Power or Duty Delegated: | *Dog Act 1976*:<br>• s.33F(6) Owners to be notified of making of declaration<br>• s.33G(4) Seizure and destruction<br>• s.33H(1), (2) and (5)Local government may revoke declaration or proposal to destroy |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)].<br>2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)].<br>3. Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)]<br>i. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)]. |
| Council Conditions on this Delegation: | a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation [s.10AA(3)].<br>b. Delegation of the s.33F power to deal with an objection to a dangerous dog declaration should not be delegated to the same person / position who is delegated / authorised to exercise s.33E powers enabling the declaration of a dangerous dog. – See 5.1.8. |
| Express Power to Sub-Delegate: | *Dog Act 1976:*<br>• s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation). |
| Sub-Delegate/s Appointed by CEO: | • Director Development Services<br>• Community Emergency Services Manager<br>• Senior Ranger |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • *Dog Act 1976*<br>• *Shire of Manjimup Dogs Local Law 2004* (as amended)<br>• Note – Decisions under this delegation may be referred for review by the State Administration Tribunal |

## 5.1.10. Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Dog Act 1976:*<br>• s.10AA Delegation of local government powers and duties |
| Express Power or Duty Delegated: | *Dog Act 1976*:<br>• s.33H(5) Local government may revoke declaration or proposal to destroy |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]:<br>i. a notice declaring a dog to be dangerous; or<br>ii. a notice proposing to cause a dog to be destroyed. |
| Council Conditions on this Delegation: | a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.<br>b. Delegation of the s.33H(5) power to deal with an objection should not be delegated to the same person / position who is delegated / authorised to exercise s.33H(1) and (2). |
| Express Power to Sub-Delegate: | *Dog Act 1976:*<br>• s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation) |
| Sub-Delegate/s Appointed by CEO: | • Director Development Services<br>• Community Emergency Services Manager<br>• Senior Ranger |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • *Dog Act 1976*<br>• *Shire of Manjimup Dogs Local Law 2004* (as amended)<br>• Note – Decisions under this delegation may be referred for review by the State Administration Tribunal |

## 5.1.11. Determine Recoverable Expenses for Dangerous Dog Declaration

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Dog Act 1976:*<br>• s.10AA Delegation of local government powers and duties |
| Express Power or Duty Delegated: | *Dog Act 1976*:<br>• s.33M(1)(a) Local Government expenses to be recoverable |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to any maximum amount prescribed, having regard to the expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s.33H(5)]. |
| Council Conditions on this Delegation: | a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation [s.10AA(3)].<br>b. Delegation does not include s.33M(1)(b) as the setting of a fixed fee occurs by Council resolution in accordance with s.6.16 of the *Local Government Act 1995*. |
| Express Power to Sub-Delegate: | *Dog Act 1976:*<br>• s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation). |
| Sub-Delegate/s Appointed by CEO: | • Director Development Services<br>• Community Emergency Services Manager<br>• Senior Ranger |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • *Dog Act 1976*<br>• *Shire of Manjimup Dogs Local Law 2004* (as amended)<br>• Note – Decisions under this delegation may be referred for review by the State Administration Tribunal |

# 6. Food Act 2008 Delegations

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

## 6.1. Council to CEO/Employees

### 6.1.1. Determine Compensation

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Food Act 2008:*<br>• s.118Functions of enforcement agencies and delegation<br>(2)(b) Enforcement agency may delegate a function conferred on it<br>(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]<br>(4) Sub-delegation permissible only if expressly provided in regulations |
| Express Power or Duty Delegated: | *Food Act 2008*:<br>• s.56(2) Compensation to be paid in certain circumstances<br>• s.70(2) and (3) Compensation |
| Delegate: | Chief Executive Officer<br>Director Development Services |
| Function: | 1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s.56(2)].<br>2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2) and (3)]. |
| Council Conditions on this Delegation: | a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.<br>b. Compensation under this delegation may only be determined upon documented losses up to a maximum of $500. Compensation requests above this value are to be reported to Council. |
| Express Power to Sub-Delegate: | Nil – *Food Regulations 2009* do not provide for sub-delegation. |
| Policy / Compliance Links: | • *Food Act 2008*<br>• Note – Decisions under this delegation may be referred for review by the State Administration Tribunal |

## 6.1.2. Prohibition Orders and Certificates of Clearance

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Food Act 2008:*<br>• s.118Functions of enforcement agencies and delegation<br>(2)(b) Enforcement agency may delegate a function conferred on it<br>(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]<br>(4) Sub-delegation permissible only if expressly provided in regulations |
| Express Power or Duty Delegated: | *Food Act 2008*:<br>• s.65(1) Prohibition orders<br>• s.66 Certificate of clearance to be given in certain circumstances<br>• s.67(4) Request for re-inspection |
| Delegate: | Chief Executive Officer<br>Director Development Services<br>Principal Environmental Health Officer |
| Function: | 1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)].<br>2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66].<br>3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)]. |
| Council Conditions on this Delegation: | a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. |
| Express Power to Sub-Delegate: | Nil – *Food Regulations 2009* do not provide for sub-delegation. |
| Policy / Compliance Links: | • *Food Act 2008*<br>• Note – Decisions under this delegation may be referred for review by the State Administration Tribunal |

## 6.1.3. Food Business Registrations

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Food Act 2008:*<br>• s.118Functions of enforcement agencies and delegation<br>(2)(b) Enforcement agency may delegate a function conferred on it<br>(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]<br>(4) Sub-delegation permissible only if expressly provided in regulations |
| Express Power or Duty Delegated: | *Food Act 2008*:<br>• s.110(1) and (5) Registration of food business<br>• s.112 Variation of conditions or cancellation of registration of food businesses |
| Delegate: | Chief Executive Officer<br>Director Development Services<br>Principal Environmental Health Officer |
| Function: | 1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)].<br>2. Authority to vary the conditions or cancel the registration of a food business [s.112]. |
| Council Conditions on this Delegation: | a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to:<br>i. *Food Act 2008* Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA;<br>ii. Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1;<br>iii. WA Priority Classification System;<br>iv. Verification of Food Safety Program Guideline. |
| Express Power to Sub-Delegate: | Nil – *Food Regulations 2009* do not provide for sub-delegation. |
| Policy / Compliance Links: | • *Food Act 2008* |

## 6.1.4. Appoint Authorised Officers and Designated Officers

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Food Act 2008:*<br>• s.118Functions of enforcement agencies and delegation<br>(2)(b) Enforcement agency may delegate a function conferred on it<br>(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]<br>(4) Sub-delegation permissible only if expressly provided in regulations |
| Express Power or Duty Delegated: | *Food Act 2008*:<br>• s.122(1) Appointment of authorised officers<br>• s.126(6), (7) and (13) Infringement Officers |
| Delegate: | Chief Executive Officer<br>Director Development Services |
| Function: | 1. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(2)].<br>2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the *Public Health Act 2016,* to be a Designated Officer for the purposes of issuing Infringement Notices under the *Food Act 2008* [s.126(13)].<br>3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7). |
| Council Conditions on this Delegation: | a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to:<br>i. Appointment of Authorised Officers as Meat Inspectors;<br>ii. Appointment of Authorised Officers;<br>iii. Appointment of Authorised Officers – Designated Officers only;<br>iv. Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer;<br>b. The CEO is to keep a Register of Authorisations as per [s.1.22(3)];<br>c. The CEO is to keep a copy of the certificate of authorisation [s.123] and ID card, produced by Governance for any persons being authorised under this delegation. |
| Express Power to Sub-Delegate: | Nil – *Food Regulations 2009* do not provide for sub-delegation. |
| Policy / Compliance Links: | • *Food Act 2008*<br>• *Shire of Manjimup Health Local Law 2020* (as amended)<br>• s.122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers<br>• s.123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed |

## 6.1.5. Debt Recovery and Prosecutions

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Food Act 2008:*<br>• s.118Functions of enforcement agencies and delegation<br>(2)(b) Enforcement agency may delegate a function conferred on it<br>(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]<br>(4) Sub-delegation permissible only if expressly provided in regulations |
| Express Power or Duty Delegated: | *Food Act 2008*:<br>• s.54 Cost of destruction or disposal of forfeited item<br>• s.125 Institution of proceedings |
| Delegate: | Chief Executive Officer<br>Director Development Services<br>Principal Environmental Health Officer |
| Function: | 1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3).<br>2. Authority to institute proceedings for an offence under the *Food Act 2008* [s.125]. |
| Council Conditions on this Delegation: | a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.<br>b. CEO to be informed prior to instituting legal action. |
| Express Power to Sub-Delegate: | Nil – *Food Regulations 2009* do not provide for sub-delegation. |
| Policy / Compliance Links: | • *Food Act 2008*<br>• *Shire of Manjimup Health Local Law 2020* (as amended) |

## 6.1.6. Abattoir Inspections and Fees

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Food Act 2008:*<br>• s.118Functions of enforcement agencies and delegation<br>(2)(b) Enforcement agency may delegate a function conferred on it<br>(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]<br>(4) Sub-delegation permissible only if expressly provided in regulations |
| Express Power or Duty Delegated: | *Food Regulations 2009*:<br>• r.43 Local government may require security<br>• r.45 Withdrawal of inspection services |
| Delegate: | Chief Executive Officer<br>Director Development Services<br>Principal Environmental Health Officer |
| Function: | 1. Authority, relevant to the payment of abattoir meat inspection fees under Food Regulation 41, to:<br>i. require a person to provide security;<br>ii. determine the form that security is to be provided; and<br>iii. discharge a security held by the Shire of Manjimup [r.43].<br>2. Authority to give written notice and withdraw abattoir meat inspection services, pending payment of any fees due and payable [r.45]. |
| Council Conditions on this Delegation: | a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. |
| Express Power to Sub-Delegate: | Nil – *Food Regulations 2009* do not provide for sub-delegation. |
| Policy / Compliance Links: | • *Food Act 2008 & Food Regulations 2009*<br>• *Shire of Manjimup Health Local Law 2020* (as amended) |

## 6.1.7. Food Businesses List – Public Access

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Food Act 2008:*<br>• s.118Functions of enforcement agencies and delegation<br>(2)(b) Enforcement agency may delegate a function conferred on it<br>(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]<br>(4) Sub-delegation permissible only if expressly provided in regulations |
| Express Power or Duty Delegated: | *Food Regulations 2009*:<br>• r.51 Enforcement agency may make list of food businesses publicly available |
| Delegate: | Chief Executive Officer<br>Director Development Services<br>Principal Environmental Health Officer |
| Function: | 1. Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51]. |
| Council Conditions on this Delegation: | a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.<br><br>b. All records being released must be reviewed by the FOI Coordinator. |
| Express Power to Sub-Delegate: | Nil – *Food Regulations 2009* do not provide for sub-delegation. |
| Policy / Compliance Links: | • *Food Act 2008*<br>• *Food Regulations 2009*<br>• *Shire of Manjimup Health Local Law 2020* (as amended) |

# 7. Graffiti Vandalism Act 2016 Delegations

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

## 7.1. Council to CEO

### 7.1.1. Give Notice Requiring Obliteration of Graffiti

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Graffiti Vandalism Act 2016:*<br>• s.16 Delegation by local government |
| Express Power or Duty Delegated: | *Graffiti Vandalism Act 2016*:<br>• s.18(2) Notice requiring removal of graffiti<br>• s.19(3) & (4) Additional powers when notice is given |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)].<br>2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | *Graffiti Vandalism Act 2016:*<br>• s.17 Delegation by CEO of local government |
| Sub-Delegate/s Appointed by CEO: | • Director Development Services<br>• Director Infrastructure Services<br>• Manager Building Services<br>• Manager Park Operations |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • *Graffiti Vandalism Act 2016*<br>• Note – Decisions under this delegation may be referred for review by the State Administration Tribunal |

## 7.1.2. Notices – Deal with Objections and Give Effect to Notices

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Graffiti Vandalism Act 2016:*<br>• s.16 Delegation by local government |
| Express Power or Duty Delegated: | *Graffiti Vandalism Act 2016*:<br>• s.22(3) Objection may be lodged<br>• s.24(1)(b) & (3) Suspension of effect of notice |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to deal with an objection to a notice [s.22(3)].<br>2. Authority, where an objection has been lodged, to:<br>i. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s.24(1)(b)] and<br>ii. to give notice to the affected person, before taking the necessary actions [s.24(3)]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | *Graffiti Vandalism Act 2016:*<br>• s.17 Delegation by CEO of local government |
| Sub-Delegate/s Appointed by CEO: | • Director Development Services<br>• Director Infrastructure Services |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • *Graffiti Vandalism Act 2016*<br>• Note – Decisions under this delegation may be referred for review by the State Administration Tribunal |

## 7.1.3. Obliterate Graffiti on Private Property

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Graffiti Vandalism Act 2016:*<br>• s.16 Delegation by local government |
| Express Power or Duty Delegated: | *Graffiti Vandalism Act 2016*:<br>• s.25(1) Local government graffiti powers on land not local government property |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s.25(1)]. |
| Council Conditions on this Delegation: | a. Subject to exercising Powers of Entry. |
| Express Power to Sub-Delegate: | *Graffiti Vandalism Act 2016:*<br>• s.17 Delegation by CEO of local government |
| Sub-Delegate/s Appointed by CEO: | • Director Development Services<br>• Director Infrastructure Services<br>• Manager Building Services<br>• Manager Park Operations |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • *Graffiti Vandalism Act 2016* |

## 7.1.4. Powers of Entry

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Graffiti Vandalism Act 2016:*<br>• s.16 Delegation by local government |
| Express Power or Duty Delegated: | *Graffiti Vandalism Act 2016*:<br>• s.28 Notice of entry<br>• s.29 Entry under warrant |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28].<br>2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | *Graffiti Vandalism Act 2016:*<br>• s.17 Delegation by CEO of local government |
| Sub-Delegate/s Appointed by CEO: | • Director Development Services<br>• Director Infrastructure Services<br>• Manager Building Services<br>• Manager Park Operations<br>• Building Surveyor<br>• Building Officer<br>• Building Maintenance Officer |
| CEO Conditions on this Sub-Delegation: | Nil |
| Policy / Compliance Links: | • *Graffiti Vandalism Act 2016* |

# 8. Public Health Act 2016 Delegations

## 8.1. Council to CEO/Employees

### 8.1.1. Appoint Authorised Officer or Approved Officer (Asbestos Regs)

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Health (Asbestos) Regulations 1992:*<br>• r.15D (7) Infringement Notices |
| Express Power or Duty Delegated: | *Health (Asbestos) Regulations 1992:*<br>• r.15D(5) Infringement Notices |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the *Criminal Procedure Act 2004* Part 2 [r.15D(5)]. |
| Council Conditions on this Delegation: | a. Subject to each person so appointed being issued with a certificate of authorisation, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)]. |
| Express Power to Sub-Delegate: | Nil – *Health (Asbestos) Regulations 1992* do not provide a power to sub-delegate. |
| Policy / Compliance Links: | • *Health (Asbestos) Regulations 1992*<br>• *Criminal Procedure Act 2004* – Part 2<br>• *Shire of Manjimup Health Local Law 2020* (as amended) |

## 8.1.2. Enforcement Agency Reports to the Chief Health Officer

| | |
|---|---|
| Delegator: | Enforcement Agency (means Local Government vide s.4 definition) |
| Express Power to Delegate: | *Public Health Act 2016:*<br>• s.21 Enforcement agency may delegate |
| Express Power or Duty Delegated: | *Public Health Act 2016*<br>• s.22 Reports by and about enforcement agencies |
| Delegate: | *NOTE s.21 provides that powers may only be delegated to the CEO OR an Authorised Officer designated under s.24.*<br><br>Chief Executive Officer |
| Function: | 1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Shire of Manjimup [s.22(1)].<br>2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)]. |
| Council Conditions on this Delegation: | a. Shire CEO to be provided with a copy of reports required under this delegated function prior to submission to the Chief Health Officer. |
| Express Power to Sub-Delegate: | Nil – Unless a Regulation enacted under the *Public Health Act 2016*, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)]. |
| Policy / Compliance Links: | • *Public Health Act 2016* s.20 Conditions on performance of functions by enforcement agencies<br>• *Shire of Manjimup Health Local Law 2020* (as amended) |

## 8.1.3. Designate Authorised Officers

| | |
|---|---|
| Delegator: | Enforcement Agency (means Local Government vide s.4 definition) |
| Express Power to Delegate: | *Public Health Act 2016:*<br>• s.21 Enforcement agency may delegate |
| Express Power or Duty Delegated: | *Public Health Act 2016*<br>• s.24(1) and (3) Designation of authorised officers |
| Delegate: | *NOTE s.21 provides that powers may only be delegated to the CEO OR an Authorised Officer designated under s.24.*<br>Chief Executive Officer |
| Function: | 1. Authority to designate a person or class of persons as authorised officers for the purposes of:<br>i. The *Public Health Act 2016* or other specified Act;<br>ii. Specified provisions of the *Public Health Act 2016* or other specified Act;<br>iii. Provisions of the *Public Health Act 2016* or another specified Act, other than the specified provisions of that Act;<br>Including:<br>i. an Environmental Health Officer or Environmental Health Officers as a class; OR<br>ii. a person who is not an Environmental Health Officer or a class of persons who are not Environmental Health Officers, OR<br>iii. a mixture of the two [s.24(1) and (3)]. |
| Council Conditions on this Delegation: | a. Subject to each person so appointed being;<br>i. Appropriately qualified and experienced [s.25(1)(a)]; and<br>ii. Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31].<br>b. A Register (list) of authorised officers is to be maintained in accordance with s.27. |
| Express Power to Sub-Delegate: | Nil – Unless a Regulation enacted under the *Public Health Act 2016* specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)] |
| Policy / Compliance Links: | *Public Health Act 2016*<br>• s.20 Conditions on performance of functions by enforcement agencies.<br>• s.25 Certain authorised officers required to have qualifications and experience.<br>• s.26 Further provisions relating to designations<br>• s.27 Lists of authorised officers to be maintained<br>• s.28 When designation as authorised officer ceases<br>• s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers<br>• s.30 Certificates of authority<br>• s.31 Issuing and production of certificate of authority for purposes of other written laws<br>• s.32 Certificate of authority to be returned.<br>• s.136 Authorised officer to produce evidence of authority<br>• *Shire of Manjimup Health Local Law 2020* (as amended)<br>• Criminal Investigation Act 2006, Parts 6 and 13 – refer s.245 of the *Public Health Act 2016*<br>• The Criminal Code, Chapter XXVI – refer s.252 of the Public Health Act 2016 |

## 8.1.4. Dealing with Seized Items

| | |
|---|---|
| Delegator: | Enforcement Agency (means Local Government vide s.4 definition) |
| Express Power to Delegate: | *Public Health Act 2016:*<br>• s.21 Enforcement agency may delegate |
| Express Power or Duty Delegated: | *Public Health Act 2016*<br>• s.260 Return of seized item<br>• s.262 Cost of destruction or disposal of forfeited items<br>• s.263 Return of forfeited items<br>• s.264 Compensation |
| Delegate: | *NOTE s.21 provides that powers may only be delegated to the CEO or an Authorised Officer designated under s.24.*<br><br>Chief Executive Officer |
| Function: | 1. Authority to determine if no contravention of the Public Health Act 2016 has occurred and return seized items or forfeited items to the person from whom the items were seized or to any other person who is determined to be entitled to it [s.260 and 263].<br>2. Authority to recover the cost of destruction or disposal of forfeited items [s.262].<br>3. Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264]. |
| Council Conditions on this Delegation: | a. Compensation is limited to a maximum value of $500 with any proposal for compensation above this value to be referred for Council's determination. |
| Express Power to Sub-Delegate: | Nil – Unless a Regulation enacted under the *Public Health Act 2016*, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)]. |
| Policy / Compliance Links: | • *Public Health Act 2016* s.20<br>• *Shire of Manjimup Health Local Law 2020* (as amended)<br>• Note – Decisions under this delegation may be referred for review by the State Administration Tribunal |

## 8.1.5. Appoint Designated Officer – Information Sharing

| | |
|---|---|
| Delegator: | Enforcement Agency (means Local Government vide s.4 definition) |
| Express Power to Delegate: | *Public Health Act 2016:*<br>• s.21 Enforcement agency may delegate |
| Express Power or Duty Delegated: | *Public Health Act 2016*<br>• s.299 Information Sharing |
| Delegate: | *NOTE s.21 provides that powers may only be delegated to the CEO or an Authorised Officer designated under s.24.*<br><br>Chief Executive Officer |
| Function: | 1. Authority, to appoint Designated Officer/s for the purposes of s.299 [s.299(1)]. |
| Council Conditions on this Delegation: | a. Appointments must be consistent with requirements outlined in the Chief Health Officer's Information Sharing Guideline, prepared in accordance with s.300.<br>b. A Register (list) of appointed designated officers is to be maintained. |
| Express Power to Sub-Delegate: | Nil – Unless a Regulation enacted under the *Public Health Act 2016*, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)]. |
| Policy / Compliance Links: | • *Public Health Act 2016* s.300 Guidelines relating to information sharing.<br>• Note – Decisions under this delegation may be referred for review by the State Administration Tribunal |

## 8.1.6. Commence Proceedings, Give Enforcement Orders and Issue Clearance Certificates

| | |
|---|---|
| Delegator: | Enforcement Agency (means Local Government vide s.4 definition) |
| Express Power to Delegate: | *Public Health Act 2016:*<br>• s.21 Enforcement agency may delegate |
| Express Power or Duty Delegated: | *Public Health Act 2016*<br>• s. 216 Issue of enforcement orders<br>• s. 218 Extension of period of compliance with enforcement order<br>• s. 219 Enforcement agency may implement enforcement order<br>• s. 221 Recover of costs incurred by or on behalf of the enforcements agency<br>• s.223 Certificate of clearance to be given in certain circumstances<br>• s.224 Request for assessment<br>• s. 280 Commencing Proceedings |
| Delegate: | *NOTE s.21 provides that powers may only be delegated to the CEO OR an Authorised Officer designated under s.24.*<br><br>Chief Executive Officer |
| Function: | 1. Authority to commence proceedings for an offence under the *Public Health Act 2016* [s.280].<br>2. Authority to issue an enforcement order and extend period of compliance with an enforcement order, under the *Public Health Act 2016* [s.216 & s.218].<br>3. Authority to implement an enforcement order under the *Public Health Act 2016* [s.219].<br>4. Authority to sign a certificate stating the amount of any costs and the manner in which they were incurred as evidence of the matters certified *[s.221(2)]*.<br>5. Give a certificate of clearance (in the Department of Health approved form) where an assessment report of an authorised officer finds the enforcement order has been complied with and there is no longer a serious public health risk to be prevented or mitigated *[s.223]*.<br>6. Where requested under s.224, cause an assessment by another authorised officer to be made for the purposes of s.233 (clearance certificate) and give notice of a decision to not give a clearance certificate after assessment *[s.224(2)]*. |
| Council Conditions on this Delegation: | a. Content of enforcement order must comply with s.217 provisions.<br>b. Costs incurred in taking action under s.219 are to be recovered, including recovery in a court of competent jurisdiction *[s.221(1)]*. |
| Express Power to Sub-Delegate: | Nil – Unless a Regulation enacted under the *Public Health Act 2016*, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)]. |
| Policy / Compliance Links: | • *Public Health Act 2016* s.20 Conditions on performance of functions by enforcement agencies<br>• *Shire of Manjimup Health Local Law 2020* (as amended) |

# 9. Planning and Development Act 2005 Delegations

## 9.1. Council to CEO/Employees

### 9.1.1. Illegal Development

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Local Government Act 1995*<br>• Section 5.42- Delegation of some powers or duties to the CEO<br>• Section 5.43- Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | *Planning and Development Act 2005*<br>• Section 214(2), (3)and (5) - Illegal development, responsible authority's powers as to |
| Delegate: | Chief Executive Officer |
| Function: | 1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop and not recommence the development or that part of the development that is undertaken in contravention of the Shire of Manjimup Local Planning Scheme, interim development order or planning control area requirements.<br>2. Give a written direction to the owner or any other person who undertook an unauthorised development:<br>i. to remove, pull down, take up, or alter the development; and<br>ii. to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.<br>3. Give a written direction to the person whose duty it is to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme would prejudice the effective operation of the planning scheme. |
| Council Conditions on this Delegation: | a. Authority to issue written direction without Council approval where illegal development has taken place on Shire-managed public land.<br>b. Where illegal development has taken place on private land, permission to prosecute is to be granted by Council prior to action being taken. This does not inhibit the local government from issuing written direction to cease illegal activities on private land.<br>**Note:** Power to prosecute for other breaches of the *Planning & Development Act 2005* is contained in Section 20 of the *Criminal Procedure Act 2004.* |
| Express Power to Sub-Delegate: | *Local Government Act 1995*<br>• Section 5.44 - CEO may delegate powers and duties to other employees |
| Sub-Delegate/s Appointed by CEO: | • Director Development Services<br>• Manager Planning Services |
| CEO Conditions on this Sub-Delegation: | Nil. |

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| Policy / Compliance Links | *Planning and Development Act 2005*<br>• Part 13- Enforcement and legal proceedings<br>• Section 215 - Illegal development, responsible authority's power to remove, etc. |

## 9.1.2. Local Planning Scheme No.4 and Planning and Development (Local Planning Schemes) Regulations 2015

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | *Planning and Development (Local Planning Scheme) Regulations 2015*<br>• Schedule 2, Part 10, clause 82 – Delegations by Local Government.<br><br>*Shire of Manjimup Local Planning Scheme No.4*<br>• Clause 11.3 – Delegation of Functions<br>• Clause 11.3.1 – Council may delegate functions to CEO or Committee |
| Express Power or Duty Delegated: | *Planning and Development (Local Planning Scheme) Regulations 2015*<br>• Schedule 2 – Deemed provisions for local planning schemes<br><br>*Shire of Manjimup Local Planning Scheme No.4* |
| Delegate: | Chief Executive Officer |
| Function: | To perform the functions of the local government in respect of the following matters:<br><br>1. General delegation to approve applications with or without conditions where consistent with Local Planning Scheme No.4, Local Planning Policies and WAPC/State Planning Policies, **subject to the following exclusions:**<br>i. More than $2 million dollars in value;<br>ii. More than 5 dwellings;<br>iii. Development on reserves if inconsistent with the purpose of that reserve;<br>iv. Variations of Council planning policy where NOT permitted by that planning policy.<br><br>2. **Applications not to be determined under delegated authority:**<br>i. Refusal where discretionary;<br>ii. Approval period greater than 4 years;<br>iii. Retrospective approval of an existing unauthorised development where it is an 'A' land use;<br>iv. Extension or change to a non-conforming use;<br>v. Where "cash in lieu of car parking" is sought under the Scheme; or<br>vi. Compensation under clauses 11.5 and 11.6 of the Scheme for the purchase or taking of land.<br>vii. The issue/revocation of conservation notices for a heritage place.<br><br>3. Variations to setbacks, building envelopes, use of materials/colours, landscaping or other minor matters can be determined **subject to the following exemptions:**<br>i. Where a material objection to the proposal has been received.<br>ii. Variations to car parking requirements are required for the development to proceed.<br>iii. Refusals for non-permitted use other than where listed as an 'X' land use in the Scheme zoning tables.<br>iv. Dams setback less than 5m to a property boundary in the General Agriculture and Primary Agriculture Zones.<br><br>4. Discretionary decisions under the Residential Design Codes of WA for group |

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| | dwellings and multiple dwellings can be determined where:<br>i. Development Approval process has been followed, and all relevant information has been provided by the applicant;<br>ii. No unsatisfied material objections have been received;<br>iii. Consistency with the relevant Design Principle(s) has been achieved; or<br>iv. Refusal of the development is not being determined.<br><br>5. Amending development approval where the:<br>i. Amendment is consistent with normal approved delegation;<br>ii. Amendment is consistent with the initial application;<br>iii. Amendment is minor in scale (10% of total development cost or less than 200m²); or<br>iv. Revision of a condition of approval previously granted under delegation where the intent of the condition remains.<br><br>6. Applications for extension (maximum 12 months per extension) of a Development Approval can be reapproved subject to **no more than two extensions**. Any further extensions are to be considered by Council.<br><br>7. Requests for reconsideration of Council decisions are not to be determined under delegated authority.<br><br>8. Enforcement of the Local Planning Scheme No.4 under clause 11.1.2, 11.2, 11.4 and 11.7. **No delegated authority is granted under 11.1.1, 11.5 or 11.6 of the Scheme.**<br><br>9. Make recommendations to the WAPC on amendments to Structure Plans (as defined by the *Planning and Development (Local Planning Scheme) Regulations 2015*) under the deemed provisions provided that the modification is:<br>i. Of a minor nature; and<br>ii. Is consistent with the intent of the zone and the Scheme; and<br>iii. Unlikely to have a detrimental effect on the amenity of the locality or any owner or occupier of land in the locality.<br><br>10. Take all necessary action against owners and occupiers of properties requiring them to cease illegal uses or rectify/remove illegal development or comply with any Development Approvals, including instructing the Shire's solicitors.<br><br>11. Issue or refuse to issue a certificate under Section 40 of the *Liquor Control Act 1988*.<br><br>12. Make recommendations to the WAPC and other statutory authorities in respect of subdivision/amalgamation and development applications and associated matters.<br><br>13. Endorse deposited plans after the conditions of subdivision/amalgamation approval for which Council is responsible have been fulfilled. |
| Conditions on this Delegation: | 1. All Development Applications will be submitted to Council in the following circumstances:<br>i. Where an application is for an extension or change to a nonconforming use;<br>ii. Where a delegated decision would be contrary to the intent of a previous decision made at a Council meeting;<br>iii. Where written objection is received for the proposal from any statutory agency; |

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| | iv. A condition recommended by a statutory agency is unnecessary or impractical, or unreasonable to be enforced by the Shire of Manjimup;<br>v. Where notification has been given to adjoining and nearby owners or the general public for comment in accordance with the Local Planning Scheme or any policy and a written objections have been received within the time specified;<br>vi. Subdivision/amalgamation applications proposing five (5) lots or greater, or that wish to vary a Scheme/Policy provision must be determined by Council prior to submission of recommendations to WAPC; or<br>vii. Where:<br>a. Any of the requirements of this delegation are not satisfied;<br>b. There is insufficient certainty as to whether the application complies with the intent of Scheme, Residential Design Codes or any relevant Council policy;<br>c. It would be in the public interest or consistent with the principles of administrative accountability for Council to determine the application;<br>d. Where the proposal is inconsistent with the intent of the Local Planning Scheme, relevant policies, Residential Design Codes, or any of Council's adopted statutory plans as defined in the Scheme or Local Planning Strategy.<br>2. With reference to Item 10. (under Functions Delegated), approval to undertake prosecution against a landowner must be obtained from Council prior to commencement. This does not inhibit the issuance of a written direction to the landowner to cease an illegal activity until the matter is determined by Council. |
| Express Power to Sub-Delegate: | *Planning and Development (Local Planning Scheme) Regulations 2015*<br>• Schedule 2, Part 10, clause 82 – Delegations by Local Government.<br><br>*Shire of Manjimup Local Planning Scheme No.4*<br>• Clause 11.3.3 – CEO may delegate to employees |
| Sub-Delegate/s Appointed by CEO: | • Director Development Services<br>• Manager Planning Services |
| CEO Conditions on this Sub-Delegation: | 1. All Development Applications will be submitted to Council in the following circumstances:<br>i. Where an application is for an extension or change to a nonconforming use;<br>ii. Where a delegated decision would be contrary to the intent of a previous decision made at a Council meeting;<br>iii. Where written objection is received for the proposal from any statutory agency;<br>iv. A condition recommended by a statutory agency is unnecessary or impractical, or unreasonable to be enforced by the Shire of Manjimup;<br>v. Where notification has been given to adjoining and nearby owners or the general public for comment in accordance with the Local Planning Scheme or any policy and a written objections have been received within the time specified;<br>vi. Subdivision/amalgamation applications proposing five (5) lots or greater, or that wish to vary a Scheme/Policy provision must be determined by Council prior to submission of recommendations to WAPC; or<br>vii. Where in the opinion of the Director Development Services:<br>a. Any of the requirements of this delegation are not satisfied; |

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|---|---|
| | b. There is insufficient certainty as to whether the application complies with the intent of Scheme, Residential Design Codes or any relevant Council policy;<br>c. It would be in the public interest or consistent with the principles of administrative accountability for Council to determine the application;<br>d. Where the proposal is inconsistent with the intent of the Local Planning Scheme, relevant policies, Residential Design Codes, or any of Council's adopted statutory plans as defined in the Scheme or Local Planning Strategy.<br>2. With reference to Item 10. (under Functions Delegated), approval to undertake prosecution against a landowner must be obtained from Council prior to commencement. This does not inhibit the issuance of a written direction to the landowner to cease an illegal activity until the matter is determined by Council. |
| Policy / Compliance Links | • *Planning and Development Act 2005*<br>*s.*142 Consultation requirements as to proposed subdivision<br>• *Planning and Development Regulations 2009*<br>• *Planning and Development (Local Planning Scheme) Regulations 2015*<br>• *Planning and Development (Development Assessment Panels) Regulations 2011*<br>s.11A Further Information<br>s.11 – Notify DAP of application<br>s.12 (2) – Responsible authority to report<br>s.13 Further services from responsible authority<br>• *Liquor Control Act 1988*<br>s.40 Certificate of planning authority is to whether use of premises complies with planning laws<br>• *Heritage Act of Western Australia 1990*<br>• *Shire of Manjimup Local Planning Scheme No.4*<br>• *State Planning Policy 3.1 – Residential Design Codes of Western Australia* |

# 10. Statutory Delegations to Local Government from State Government Entities

## 10.1. Environmental Protection Act 1986

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

Published by:
Environment

**GOVERNMENT GAZETTE**
Western Australia
Previous Close Next

No. 47. 19-Mar-2004
Page: 919 Pdf - 476kb

**EV401**

**ENVIRONMENTAL PROTECTION ACT 1986**
**Section 20**
Delegation No. 52

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

Powers and duties delegated—

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

Persons to whom delegation made—

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

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

Dated this 9th day of January 2004.

Approved—

FERDINAND TROMP, A/Chief Executive Officer.

Dr JUDY EDWARDS MLA, Minister for the Environment.

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

Published by:
Environment

**GOVERNMENT GAZETTE**
Western Australia
Previous Close Next

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

**EV402**

**ENVIRONMENTAL PROTECTION ACT 1986**

Delegation No. 112

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

(a) waste collection and other works--noise management plans relating to specified works under regulation 14A or 14B;

(b) bellringing or amplified calls to worship--the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi);

(c) community activities--noise control notices in respect of community noise under regulation 16;

(d) motor sport venues--noise management plans in relation to motor sport venues under Part 2 Division 3;

(e) shooting venues--noise management plans in relation to shooting venues under Part 2 Division 4;

(f) calibration results--requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;

(g) sporting, cultural and entertainment events--approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation--

(i) Subregulation 18(13)(b) is not delegated.

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

Dated the 12th day of December 2013.

JASON BANKS, Acting Chief Executive Officer.

Approved by--

JOHN DAY, Acting Minister for Environment; Heritage.

## 10.1.3. Noise Management Plans – Construction Sites

Published by:
Environment

**GOVERNMENT GAZETTE**
Western Australia
Previous Close Next

No. 71. 16-May-2014
Page: 1548 Pdf - 2Mb

**EV405**

**ENVIRONMENTAL PROTECTION ACT 1986**

Delegation No. 119

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

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

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

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

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

Dated the 1st day of May 2014.

JASON BANKS, Acting Chief Executive Officer.

## 10.2. Planning and Development Act 2005

### 10.2.1. Instrument of Authorisation – Local Government CEO's – Sign Development Applications for Crown Land as Owner

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

***PLANNING AND DEVELOPMENT ACT 2005***

**INSTRUMENT OF AUTHORISATION**

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

Dated the 2nd day of June 2016

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

## SCHEDULE

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

### Column 1

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

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

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

(i) section 99(2) of the *Planning and Development Act 2005* in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);

(ii) section 103(2) of the *Planning and Development Act 2005* in respect of development for which approval is required under a local interim development order (as that term is defined in that Act);

(iii) section 115 of the *Planning and Development Act 2005* in respect of development within a planning control area (as that term is defined in that Act);

(iv) section 122A of the Planning and Development Act 2005 in respect of which approval is required under an improvement scheme (as that term is defined in that Act);

(v) section 162 of the *Planning and Development Act 2005* in respect of developments for which approval is required under a planning scheme or interim development order (as those terms are defined in that Act);

(vi) section 163 of the *Planning and Development Act 2005* in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the *Heritage of Western Australia Act 1990*, or of which such a place forms part;

(vii) section 171A of the *Planning and Development Act 2005* in respect of a prescribed development application (as that term is defined in that section of that Act).

### Column 2

City of Albany
City of Armadale
Shire of Ashburton
Shire of Augusta-Margaret River
Town of Bassendean
City of Bayswater
City of Belmont
Shire of Beverley
Shire of Boddington
Shire of Boyup Brook
Shire of Bridgetown-Greenbushes
Shire of Brookton
Shire of Broome
Shire of Broomehill-Tambellup
Shire of Bruce Rock
City of Bunbury
Shire of Busselton
Town of Cambridge
City of Canning
Shire of Capel
Shire of Carnamah
Shire of Carnarvon
Shire of Chapman Valley
Shire of Chittering
Shire of Christmas Island
Town of Claremont
City of Cockburn
Shire of Cocos (Keeling) Islands
Shire of Collie
Shire of Coolgardie
Shire of Coorow
Shire of Corrigin
Town of Cottesloe
Shire of Cranbrook
Shire of Cuballing
Shire of Cue
Shire of Cunderdin
Shire of Dalwallinu
Shire of Dandaragan
Shire of Dardanup
Shire of Denmark
Shire of Derby/West Kimberley
Shire of Donnybrook-Balingup
Shire of Dowerin
Shire of Dumbleyung
Shire of Dundas
Town of East Fremantle
Shire of East Pilbara
Shire of Esperance
Shire of Exmouth
City of Fremantle
City of Greater Geraldton
Shire of Gingin
Shire of Gnowangerup
Shire of Goomalling
City of Gosnells
Shire of Halls Creek
Shire of Harvey
Shire of Irwin
Shire of Jerramungup
City of Joondalup
Shire of Kalamunda
City of Kalgoorlie-Boulder
Shire of Katanning
Shire of Kellerberrin
Shire of Kent
Shire of Kojonup
Shire of Kondinin
Shire of Koorda
Shire of Kulin
City of Kwinana
Shire of Lake Grace
Shire of Laverton
Shire of Leonora
City of Mandurah
Shire of Manjimup
Shire of Meekatharra
City of Melville
Shire of Menzies
Shire of Merredin
Shire of Mingenew
Shire of Moora
Shire of Morawa
Town of Mosman Park
Shire of Mount Magnet
Shire of Mt Marshall
Shire of Mukinbudin
Shire of Mundaring
Shire of Murchison
Shire of Murray
Shire of Nannup
Shire of Narembeen
Shire of Narrogin
Town of Narrogin
City of Nedlands
Shire of Ngaanyatjarraku
Shire of Northam
Shire of Northampton
Shire of Nungarin
Shire of Peppermint Grove
Shire of Perenjori
City of Perth
Shire of Pingelly
Shire of Plantagenet
Town of Port Hedland
Shire of Quairading
Shire of Ravensthorpe
City of Rockingham
Shire of 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

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

HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS

2nd day of June 2016

# 10.2.2. WA Planning Commission - Powers of Local Governments - s.15 *Strata Titles Act 1985* (DEL.2020/01)



**PL402**

**PLANNING AND DEVELOPMENT ACT 2005**

INSTRUMENT OF DELEGATION

Del 2020/01 Powers of Local Governments

Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to certain applications under the *Strata Titles Act 1985*

**Preamble**

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

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

**Resolution under section 16 of the Act (delegation)**

On 20 January 2021, pursuant to section 16 of the Act, the WAPC RESOLVED—

A. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the *Strata Titles Act 1985* as set out in clause 1 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;

B. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under sections 21 and 22 of the *Strata Titles Act 1985* as set out in clause 2 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;

C. TO AMEND "Del 2020/01—Powers of Local Governments" to give effect to its resolution and to publish an updated, consolidated instrument.

SAM FAGAN, Western Australian Planning Commission.

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**Schedule 1**

**1. Applications made under section 15 of the *Strata Titles Act 1985***

Power to determine applications under section 15 of the *Strata Titles Act 1985*, except those applications that—

(a) propose the creation of a vacant lot;

(b) propose vacant air stratas in multi-tiered strata scheme developments;

(c) propose the creation or postponement of a leasehold scheme;

(d) propose a type 1 (a) subdivision or a type 2 subdivision (as defined in section 3 of the *Strata Titles Act 1985*);

(e) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to—

i. a type of development; and/or

ii. land within an area,

which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.

**2. Applications under sections 21 and 22 of the *Strata Titles Act 1985***

Power to determine applications under—

(a) section 21 of the *Strata Titles Act 1985*;

(b) section 22 of the *Strata Titles Act 1985* where the amendment or repeal of scheme by-laws requires the approval of the WAPC.

**3. Reporting requirements**

A local government that exercises the powers referred to in clause 1 and/or clause 2, is to provide the WAPC with data on all applications determined under this Instrument of Delegation. This must be provided at the conclusion of each financial year in the format prescribed by the WAPC.

## 10.3. Main Roads Act 1930

### 10.3.1. Traffic Management - Events on Roads

*A list of local governments authorised for Traffic Management for Events can be found on the Main Roads WA website.*

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

RELATING TO
TRAFFIC MANAGEMENT FOR EVENTS

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

i) "event" subject to an order from the Commissioner of Police pursuant to Part VA of the *Road Traffic Act 1974*;

ii) race meeting or speed test for which the Minister referred to in section 83 of the *Road Traffic Act 1974* has, under that provision, temporarily suspended the operation of any provisions of the *Road Traffic Act 1974* or regulations made under that Act; or

iii) public meeting or procession the subject of a permit granted by the Commissioner of Police under the *Public Order in Streets Act 1984*;

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

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

(b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and

(c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

The powers in this Instrument of Authorisation do not change or replace:

1) any prior Instrument of Authorisation from the Commissioner of Main Roads for the purposes of undertaking traffic management for works on roads; and

2) any powers and responsibilities of a local government provided in regulation 9 of the *Road Traffic (Events on Roads) Regulations 1991*.

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## 10.3.2. Traffic Management - Road Works

*A list of local governments authorised for the purposes of the Road Traffic Code 2000 r.297(2) can be found on the Main Roads WA website.*

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

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

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

## 10.4. Road Traffic (Vehicles) Act 2012

### 10.4.1. 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 5th day of September 2017