

SHIRE OF DENMARK

Delegations Register

Includes Authorisations,
Appointments and Designations

Last Reviewed

~~16 November 21 December~~ 2021 / Res:
XXX

Version: ~~16 November 21 December~~
2021

Style Definition: TOC 3

Formatted: Not Highlight

Formatted: Not Highlight

Contact Us

953 South Coast Highway, Denmark WA 6333

Correspondence to:

Post Office Box 183, DENMARK WA 6333

Phone: (08) 9848 0300 | Email: enquiries@denmark.wa.gov.au

Website: www.denmark.wa.gov.au

Facebook: shireofdenmark



Copies of this document are available in alternative formats upon request.

Table of Contents

Introduction	5
Legislation Relating to Delegations	5
Delegations	5
Authorisations, Appointments and Designations	6
Record Keeping	6
Financial Returns	6
Standard Conditions	6
Delegations, Appointments & Authorisations from Council	7
Sub-Delegations, Appointments & Authorisations by CEO	9
Delegations from Council to Committees	12
Delegations or Authorisations from Agencies or Acts	13
Delegations, Authorisations & Appointments	15
RATE BOOK	15
INVESTMENTS	16
DONATIONS	17
CONFERENCES/SEMINARS/TRAINING COURSES - EXPENSES OF COUNCILLORS ..	18
COUNCIL PLANT - NON-PROFIT ORGANISATIONS	19
LOCAL LAW - STANDING ORDERS – RECORDING OF PROCEEDINGS	20
COMPLAINTS OFFICER	21
PUBLIC INTEREST DISCLOSURE - INVESTIGATIONS OFFICER	22
FREEDOM OF INFORMATION - COORDINATOR & REVIEW OFFICER	23
EQUAL OPPORTUNITY – APPOINTED PERSONS	24
CITIZENSHIP CEREMONIES	25
CODE OF CONDUCT BEHAVIOUR COMPLAINTS COMMITTEE	27
CREDITORS, PAYMENT OF	28
LEGAL ADVICE & REPRESENTATION	29
CLAIMS AGAINST THE LOCAL GOVERNMENT	30
ACTING CHIEF EXECUTIVE OFFICER	31
PROPERTY - ACQUISITION & DISPOSAL	32
EXECUTIVE FUNCTIONS - DUTIES	33
TENDERS FOR PROVIDING GOODS & SERVICES	34
EXECUTION OF DOCUMENTS	35
COMMERCIAL ENTERPRISES	36
TRUST FUND	37
PAYMENT OF ACCOUNTS	38
EXPENDITURE BEFORE ADOPTION OF BUDGET	39
GRANTS & SUBSIDIES	40
STAFF RELOCATION EXPENSES	41
DEBTS - WRITE OFF, WAIVER OR CONCESSIONS	42
STAFF PRODUCTIVITY INCENTIVE SCHEME	43
CONTRACT VARIATIONS	44
MASTER LENDING AGREEMENT	45
AUDIT ADVISORY COMMITTEE	46
BURNING OF SHIRE CONTROLLED RESERVES	47
FIREBREAK ORDER, VARIATION TO	49
BURNING, PROHIBITED & RESTRICTED TIMES (VARIATIONS)	50
LOCAL LAW - BUSH FIRE BRIGADES	51
BUSH FIRES ACT 1954 – ISSUING & WITHDRAWAL OF INFRINGEMENTS AND PROSECUTION	52
BUSH FIRES REGULATIONS 1954 – PERMITS TO BURN CLOVER	53

BUSH FIRES ACT 1954 - APPOINTMENT OF FIRE CONTROL OFFICERS, CHIEF BUSH FIRE CONTROL OFFICERS & DEPUTY CHIEF BUSH FIRE CONTROL OFFICERS	54
BUSH FIRES ACT 1954 - APPOINTMENT OF FIRE WEATHER OFFICERS	55
BUSH FIRES ACT 1954 – MITIGATION WORKS ON PRIVATE LAND	56
CONFISCATED OR UNCOLLECTED GOODS	57
DOGS – LOCAL LAWS & DOG ACT 1976	58
CAT ACT 2011	59
APPOINTMENT OF RANGERS AND POUND KEEPERS	60
CERTAIN THINGS TO BE DONE IN RESPECT OF LAND	61
POWER OF ENTRY	62
ENFORCEMENT & LEGAL PROCEEDINGS	63
CONTROL OF VEHICLES (OFF-ROAD AREAS) ACT 1978 – AUTHORISED OFFICERS	65
FINES, PENALTIES AND INFRINGEMENT NOTICES ENFORCEMENT ACT 1994 – APPOINTMENT OF PROSECUTION OFFICERS	66
ITINERANT FOOD VENDORS & TRADING IN PUBLIC PLACES PERMITS	68
HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911 – APPOINTMENT OF AUTHORISED PERSONS & HEALTH LOCAL LAW	69
PUBLIC HEALTH ACT 2016 – ENVIRONMENTAL HEALTH OFFICER APPOINTMENTS, ENFORCEMENT AND AUTHORISED OFFICERS	70
FOOD ACT 2008 – AUTHORISED OFFICERS, PROHIBITION ORDERS AND REGISTRATIONS	71
INSTALLATION & REMOVAL OF RUBBISH BINS	73
REFUSE SITE CHARGES – FREE DISPOSAL FOR NOT-FOR-PROFIT COMMUNITY GROUPS	74
LITTER ACT 1979 – AUTHORISED OFFICERS	75
LITTER ACT 1979 – WITHDRAWAL OF INFRINGEMENT NOTICES	76
IRWIN INLET SANDBAR OPENING PROTOCOL	77
WILSON INLET SANDBAR OPENING PROTOCOL	78
POLLUTION ABATEMENT	79
NOISE MANAGEMENT PLANS	80
PARRY INLET SANDBAR OPENING PROTOCOL	81
NOISE MANAGEMENT PLANS	82
AUTHORISED PERSON AND INSPECTOR – ENVIRONMENTAL PROTECTION ACT 1986	83
TOWN PLANNING SCHEME	84
LOCAL LAW - ACTIVITIES ON THOROUGHFARES & TRADING IN THOROUGHFARES & PUBLIC PLACES	86
TOWN PLANNING SCHEME COMPLIANCE	87
DEVELOPMENT ASSESSMENT PANEL	88
TOWN PLANNING –STRATA TITLE	89
APPLICATIONS FOR DEVELOPMENT ON CROWN LAND MANAGED BY THE SHIRE	90
PEACEFUL BAY HOLIDAY COTTAGE FULL TIME OCCUPANCY APPROVALS	92
COUNCIL FACILITIES - HIRE FEES - COMMERCIAL / NON COMMERCIAL DETERMINATION	93
LOCAL LAW - LOCAL GOVERNMENT PROPERTY	94
RECREATION CENTRE (DENMARK) - REFUNDS	95
RECREATION CENTRE FREE PASSES	96
TEMPORARY CLOSURE OF THOROUGHFARES TO VEHICLES	97
EVENTS ON ROADS	98
ROAD CLOSURES (PERMANENT)	99
TREES - REMOVAL	100
ROAD TRAINS - EXTRA MASS PERMITS	101
TRAFFIC REGULATORY SIGNS	102
GATES ACROSS PUBLIC THOROUGHFARES	103
LAND RESUMPTION	104
DANGEROUS EXCAVATION IN OR NEAR PUBLIC THOROUGHFARE	105
CROSSOVERS	106

PUBLIC THOROUGHFARES – FIXING OR ALTERING LEVELS OR ALIGNMENTS OR DRAINAGE ONTO ADJOINING LAND	107
PUBLIC THOROUGHFARES – PUBLIC USE AND PLANS	108
TRAFFIC SIGNS & CONTROL DEVICES – TEMPORARY (WORKS)	109
TRAFFIC SIGNS & CONTROL DEVICES – TEMPORARY (EVENTS)	110
LOCAL LAW - PARKING & PARKING FACILITIES	111
ROAD TRAFFIC (ADMINISTRATION) ACT 2008 – PRESCRIBED PERSONS	112
LOCAL LAW - PEST PLANTS	113
PEACEFUL BAY HOLIDAY COTTAGE LEASES - ASSIGNMENT	114
PEACEFUL BAY & RIVERMOUTH CARAVAN PARK LEASES	115
PARRY BEACH FISHERMAN'S LEASE AREA – ADDITIONAL CARAVANS	116
CARAVAN PARKS AND CAMPING GROUNDS - APPOINTMENT OF AUTHORISED PERSONS	117
BUILDING PERMIT FEES - REFUNDS & EXEMPTIONS	118
LOCAL LAW - FENCING	119
BUILDING STRUCTURES ON COUNCIL LAND	120
BUILDING ACT 2011	121
LOCAL LAW - EXTRACTIVE INDUSTRIES	123
Repealed Delegations.....	129

Introduction

This register of delegations, appointments and authorisations assists the Shire of Denmark to improve the time taken to make decisions within the constraints allowed by relevant legislation. This is consistent with the Shire of Denmark's Strategic Community Plan objectives.

L5.0 Our Local Government: The Shire of Denmark is recognised as a transparent, well governed and effectively managed Local Government.

L5.1 To be high functioning, open, transparent, ethical and responsive.

L5.3 To be decisive and to make consistent and well considered decisions.

Each delegation, authorisation, appointment describes the function or power and the relevant statutory reference which is the source of power for the exercise of the function. Also included is reference to any related policies which may provide guidance.

Legislation Relating to Delegations

The main legislation relating to delegations is the Local Government Act 1995 however, there are a number of other pieces of legislation which provide specific powers of delegation. The legislative power is included under each delegation within this register.

Delegations

This Register contains Delegations made to Committees and the Chief Executive Officer, pursuant to section 5.16 and 5.42 of the Local Government Act 1995 (the Act). Some of the functions have been sub-delegated by the Chief Executive Officer to Shire of Denmark employees, pursuant to section 5.44 of the Act. All delegations made by Council must be by an absolute majority decision.

A Register of Delegations is to be kept and reviewed at least once every financial year and all delegations must be in writing.

All conditions applying to delegations are as specified in the record of each delegation.

The Act provides that the following are decisions that cannot be delegated to the Chief Executive Officer:

- Any power or duty that requires a decision of an absolute majority or 75% majority of the local government.
- Accepting a tender which exceeds an amount determined by the local government.
- Appointing an auditor.
- Acquiring or disposing of any property valued at an amount determined by the local government.
- Any of the local government's powers under Sections 5.98, 5.99 and 5.100 of the Act.
- Borrowing money on behalf of the local government.
- Hearing or determining an objection of a kind referred to in Section 9.5.
- The power under Section 9.49A (4) to authorise a person to sign documents on behalf of the local government.
- Any power or duty that requires the approval of the Minister or Governor.
- Such other duties or powers that may be prescribed by the Act.

Authorisations, Appointments and Designations

In addition to delegations made in accordance with the Act, some delegations are made to the Chief Executive Officer, the local government or directly to local government employees, in accordance with the provisions of other legislation.

Record Keeping

Pursuant to section 5.46 (3) of the Act, a person to whom a power or duty is delegated is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of duty. Other record keeping may be required and is stipulated within each delegation. Refer Regulation 19 of the Local Government (Administration) Regulations 1996.

The written record is to contain:

- how the person exercised the power or discharged the duty;
- when the person exercised the power or discharged the duty; and
- the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

Financial Returns

Persons to whom a power or duty has been delegated under the Local Government Act 1995 (the Act) or the Planning and Development Act 2005 section 214(2), (3) or (5) are required to complete a Primary Return (section 5.75 of the Act) and Annual Returns (section 5.76 of the Act).

Standard Conditions

All delegations are subject to the following standard conditions;

- In exercising delegation a person shall comply with any and all laws and regulations in force and the requirements of any local laws and policies of the Shire of Denmark.
- Delegations must be exercised in accordance with any budget authority where applicable.
- Delegated authority cannot be exercised where a financial interest or interest affecting impartiality is evident.

Delegations, Appointments & Authorisations from Council

Chief Executive Officer	
D030101	Rate Book
D030201	Investments
D040101	Donations
D040103	Conferences/Seminars/Training Courses - Expenses of Councillors
D040104	Council Plant - Non-Profit Organisations
D040108	Local Law - Standing Orders – Recording of Proceedings
D040115	Code of Conduct Behaviour Complaint
D040201	Creditors - Payment of
D040203	Legal Advice & Representation
D040204	Claims Against the Local Government
D040206	Acting Chief Executive Officer
D040212	Property - Acquisition & Disposal
D040214	Executive Functions – Duties
D040217	Tenders for Providing Goods & Services
D040218	Execution of Documents
D040219	Commercial Enterprises
D040220	Trust Fund
D040221	Payment of Accounts
D040222	Expenditure Before Adoption of Budget
D040223	Grants & Subsidies
D040224	Staff Relocation Expenses
D040226	Debts - Write Off, Waiver or Concessions
D040227	Staff Productivity Incentive Scheme
D040228	Contract Variations
D040230	Master Lending Agreement
D050101	Burning of Shire Controlled Reserves
D050102	Firebreak Order, Variation to
D050104	Local Law – Bush Fire Brigades
D050105	Bush Fires Act 1954 – Issuing of Infringements and Prosecution
D050111	Bush Fires Act 1954 – Mitigation Works on Private Land
D050201	Confiscated or Uncollected Goods
D050202	Dogs – Local Laws & Dog Act 1976
D050203	Cat Act 2011
D050204	Appointment of Rangers and Pound Keepers
D050301	Certain Things To Be Done In Respect of Land
D050302	Power of Entry
D050305	Enforcement & Legal Proceedings
D050306	Control Of Vehicles (Off-Road Areas) Act 1978 – Local Government Appointments
D050308	Fines, Penalties and Infringement Notices Enforcement Act 1994 – Appointment of Prosecution Officers
D070402	Itinerant Food Vendors & Trading in Public Places Permits
D070406	Health (Miscellaneous Provisions) Act 1911 – Appointment of Authorised Persons and Health Local Law
D070407	Public Health Act 2016 – Environmental Health Officer Appointments, Enforcement and Authorised Officers
D100201	Installation & Removal of Rubbish Bins
D100202	Refuse Site Charges – Free Disposal For Non-Profit Community Groups
D100205	Litter Act 1979 – Withdrawal of Infringement Notices
D100501	Irwin Inlet Sandbar Opening Protocol
D100502	Wilson Inlet Sandbar Opening Protocol
D100505	Parry Inlet Sandbar Opening Protocol
D100601	Town Planning Scheme
D100602	Local Law - Activities on Thoroughfares & Trading in Thoroughfares & Public Places
D100603	Town Planning Scheme Compliance

D100604	Development Assessment Panel
D100605	Peaceful Bay Holiday Cottage Full Time Occupancy Approvals
D100607	Applications for Development on Crown Land Managed by the Shire
D110101	Council Facilities - Hire Fees, Commercial & Non-Commercial Determination
D110201	Local Law - Local Government Property
D110301	Recreation Centre (Denmark) - Refunds
D110302	Recreation Centre Free Passes
D120101	Temporary Closure of Thoroughfares to Vehicles
D120102	Events on Roads
D120103	Road Closures (Permanent)
D120104	Trees - Removal
D120105	Road Trains - Extra Mass Permits
D120106	Traffic Regulatory Signs
D120108	Gates Across Public Thoroughfares
D120109	Land Resumption
D120110	Dangerous Excavation in or Near Public Thoroughfare
D120111	Crossovers
D120112	Public Thoroughfares - Fixing or Alerting Levels or Alignments or Drainage onto Adjoining Land
D120113	Public Thoroughfares – Public Use and Plans
D120113	Public Thoroughfares – Public Use and Plans
D120116	Traffic Signs & Control Devices – Temporary (Events)
D120301	Local Law - Parking & Parking Facilities
D130101	Local Law - Pest Plants
D130201	Peaceful Bay Holiday Cottage Leases
D130202	Peaceful Bay & Rivermouth Caravan Park Leases
D130203	Parry Beach Fisherman's Lease Area - Additional Caravans
D130308	Building License Fees - Refunds & Exemptions
D130309	Local Law – Fencing
D130311	Building Structures on Council Land
D130312	Building Act 2011
D130801	Local Law – Extractive Industries

Shire President	
------------------------	--

D050103	Burning, Prohibited & Restricted Times (Variations)
---------	---

Director Corporate and Community Services	
--	--

D040109	Complaints Officer
---------	------------------------------------

D040110	Public Interest Disclosure – Investigations Officer
---------	---

D050306	Control Of Vehicles (Off-Road Areas) Act 1978 – Local Government Appointments
---------	---

D130204	Caravan Parks and Camping Grounds - Appointment of Authorised Persons
---------	---

Director Assets and Sustainable Development	
--	--

D050306	Control Of Vehicles (Off-Road Areas) Act 1978 – Local Government Appointments
---------	---

D100604	Development Assessment Panel
---------	--

D100606	Town Planning – Strata Title
---------	--

Principal Building Surveyor	
------------------------------------	--

D130312	Building Act 2011
---------	-----------------------------------

Building Surveyor	
--------------------------	--

D130312	Building Act 2011
---------	-----------------------------------

Principal Environmental Health Officer	
D070406	Health (Miscellaneous Provisions) Act 1911 – Appointment of Authorised Persons and Health Local Law
D070408	Food Act 2008 – Authorised Officers, Prohibition Orders and Registrations

Environmental Health Officer	
D070406	Health (Miscellaneous Provisions) Act 1911 – Appointment of Authorised Persons and Health Local Law
D070408	Food Act 2008 – Authorised Officers, Prohibition Orders and Registrations

Senior Ranger	
D050105	Bush Fires Act 1954 – Issue of Infringements and Prosecution
D050202	Dogs - Local Laws & Dog Act 1976
D050204	Appointment of Rangers and Poundkeepers
D050306	Control Of Vehicles (Off-Road Areas) Act 1978 – Local Government Appointments

Ranger	
D050105	Bush Fires Act 1954 – Issuing of Infringements and Prosecution of Offences
D050202	Dogs - Local Laws & Dog Act 1976
D050204	Appointment of Rangers and Pound Keepers
D050306	Control Of Vehicles (Off-Road Areas) Act 1978 – Local Government Appointments

Community Emergency Services Manager	
D050105	Bush Fires Act 1954 – Issuing of Infringements and Prosecution
D050108	Bush Fires Regulations 1954 – Permits to Burn Clover
D050306	Control Of Vehicles (Off-Road Areas) Act 1978 – Local Government Appointments

Customer Service Officer (Planning & Building)	
D130312	Building Act 2011

Customer Service Officer (Corporate & Community)	
D050202	Dogs - Local Laws & Dog Act 1976

Chief Bush Fire Control Officer	
D050103	Burning, Prohibited & Restricted Times (Variations)
D050105	Bush Fires Act 1954 – Issuing of Infringements and Prosecution

Deputy Chief Bush Fire Control Officer	
D050105	Bush Fires Act 1954 – Issuing of Infringements and Prosecution

Manager Sustainable Development	
D100606	Town Planning – Strata Title

Senior Town Planner	
D100606	Town Planning – Strata Title

Town Planner	
D100606	Town Planning – Strata Title

Sub-Delegations, Appointments & Authorisations by CEO

Director Corporate and Community Services	
D030101	Rate Book
D030201	Investments
D040110	Public Interest Disclosure – Investigations Officer

D040111	Freedom of Information – Coordinator & Review Officer
D040201	Creditors, Payment of
D040204	Claims Against the Local Government
D040212	Property – Acquisition & Disposal
D040217	Tenders for Providing Goods & Services
D040220	Trust Fund
D040221	Payment of Accounts
D040222	Expenditure Before Adoption of Budget
D040223	Grants & Subsidies
D040228	Contract Variations
D050305	Enforcement & Legal Proceedings
D050308	Fines, Penalties and Infringement Notices Enforcement Act 1994 – Appointment of Prosecution Officers
D100603	Town Planning Scheme Compliance
D110101	Council Facilities – Hire Fees (Commercial/Non Commercial Determination)
D110201	Local Law - Local Government Property

Director Assets and Sustainable Development	
D040201	Creditors, Payment of
D040212	Property – Acquisition & Disposal
D040217	Tenders for Providing Goods & Services
D040222	Expenditure Before Adoption of Budget
D040223	Grants & Subsidies
D040228	Contract Variations
D050201	Confiscated or Uncollected Goods
D050202	Dogs – Local Laws & Dog Act 1976
D050203	Cat Act 2011
D050305	Enforcement & Legal Proceedings
D050308	Fines, Penalties and Infringement Notices Enforcement Act 1994 – Appointment of Prosecution Officers
D070402	Itinerant Food Vendors & Trading in Public Places Permits
D100201	Installation & Removal of Rubbish Bins
D100601	Town Planning Scheme
D100603	Town Planning Scheme Compliance
D100605	Peaceful Bay Holiday Cottage Full Time Occupancy Approvals
D100606	Town Planning – Strata Title
D110201	Local Law - Local Government Property
D120101	Temporary Closure of Thoroughfares to Vehicles
D120102	Events on Roads
D120103	Road Closures (Permanent)
D120104	Trees – Removal
D120105	Road Trains & Extra Mass Permits
D120106	Traffic Regulatory Signs
D120108	Gates Across Public Thoroughfares
D120109	Land Resumption
D120110	Dangerous Excavation in or near Public Thoroughfare
D120111	Crossovers
D120112	Public Thoroughfares – Fixing or Altering Levels or Alignments or Drainage onto Adjoining Land
D120113	Public Thoroughfares – Public Use and Plans
D120115	Traffic Signs & Control Devices – Temporary (Works)
D120116	Traffic Signs & Control Devices – Temporary (Events)
D120401	Road Traffic (Administration) Act 2008 – Prescribed Officers
D130101	Local Law - Pest Plants
D130309	Local Law – Fencing
D130801	Local Law – Extractive Industries

Manager Corporate Services	
D030101	Rate Book
D030201	Investments
D040201	Creditors, Payment of
D040220	Trust Fund

Manager Community Services	
D110101	Council Facilities – Hire Fees (Commercial/Non Commercial Determination)

Manager Sustainable Development	
D050305	Enforcement & Legal Proceedings
D050308	Fines, Penalties and Infringement Notices Enforcement Act 1994 – Appointment of Prosecution Officers
D070402	Itinerant Food Vendors & Trading in Public Places Permits
D100601	Town Planning Scheme
D100603	Town Planning Scheme Compliance
D110201	Local Law - Local Government Property
D120108	Gates Across Public Thoroughfares

Principal Environmental Health Officer	
D050305	Enforcement & Legal Proceedings
D050308	Fines, Penalties and Infringement Notices Enforcement Act 1994 – Appointment of Prosecution Officers
D070402	Itinerant Food Vendors & Trading in Public Places Permits
D070406	Appointment of Authorised Persons and Health Local Law
D070407	Public Health Act 2016 – Environmental Health Officer Appointments, Enforcement and Authorised Officers
D070408	Food Act 2008 – Authorised Officers, Prohibition Orders and Registrations
D100601	Town Planning Scheme
D130204	Caravan Parks and Camping Grounds - Appointment of Authorised Persons

Environmental Health Officer	
D070402	Itinerant Food Vendors & Trading in Public Places Permits
D070406	Appointment of Authorised Persons and Health Local Law
D130204	Caravan Parks and Camping Grounds - Appointment of Authorised Persons

Senior Ranger	
D050203	Cat Act 2011
D050204	Appointment of Rangers and Pound Keepers
D050302	Power of Entry
D050305	Enforcement & Legal Proceedings
D050308	Fines, Penalties and Infringement Notices Enforcement Act 1994 – Appointment of Prosecution Officers
D100601	Town Planning Scheme
D110201	Local Law - Local Government Property
D120301	Local Law - Parking & Parking Facilities
D120401	Road Traffic (Administration) Act 2008 – Prescribed Officers
D130101	Local Law - Pest Plants
D130204	Caravan Parks and Camping Grounds - Appointment of Authorised Persons

Ranger	
D050203	Cat Act 2011
D050302	Power of Entry
D050305	Enforcement & Legal Proceedings
D050308	Fines, Penalties and Infringement Notices Enforcement Act 1994 – Appointment of Prosecution Officers

D100601	Town Planning Scheme
D110201	Local Law - Local Government Property
D120301	Local Law - Parking & Parking Facilities
D120401	Road Traffic (Administration) Act 2008 – Prescribed Officers
D130101	Local Law - Pest Plants
D130204	Caravan Parks and Camping Grounds - Appointment of Authorised Persons

Principal Building Surveyor

D050305	Enforcement & Legal Proceedings
D050308	Fines, Penalties and Infringement Notices Enforcement Act 1994 – Appointment of Prosecution Officers
D100601	Town Planning Scheme
D130309	Local Law – Fencing

Customer Services Officer (Planning & Building)

D100603	Town Planning Scheme Compliance
---------	---

Building Surveyor

D050305	Enforcement & Legal Proceedings
---------	---

Senior Town Planner

D050305	Enforcement & Legal Proceedings
D070402	Itinerant Food Vendors & Trading in Public Places Permits
D100601	Town Planning Scheme

Town Planner

D100601	Town Planning Scheme
---------	--------------------------------------

Manager Technical Services

D120101	Temporary Closure of Thoroughfares to Vehicles
D120104	Trees – Removal
D120105	Road Trains & Extra Mass Permits
D120106	Traffic Regulatory Signs
D120111	Crossovers
D120112	Public Thoroughfares – Fixing or Altering Levels or Alignments or Drainage onto Adjoining Land
D120113	Public Thoroughfares – Public Use and Plans
D120115	Traffic Signs & Control Devices – Temporary (Works)
D120116	Traffic Signs & Control Devices – Temporary (Events)

Sustainability Officer

D100601	Town Planning Scheme
---------	--------------------------------------

Community Emergency Services Manager

D050308	Fines, Penalties and Infringement Notices Enforcement Act 1994 – Appointment of Prosecution Officers
---------	--

Manager of Recreation Services

D110301	Recreation Centre (Denmark) – Refunds
D110302	Recreation Centre Free Passes

Delegations from Council to Committees

Audit Advisory Committee

D040231	Audit Advisory Committee

Delegations or Authorisations from Agencies or Acts

Road Traffic Code 2000

D120115 – Traffic Signs & Control Devices Temporary (Works)

Delegate: Chief Executive Officer

Sub-Delegate: Director Assets and Sustainable Development

D120116 – Traffic Signs & Control Devices Temporary (Events)

Delegate: Chief Executive Officer

Sub-Delegate: Director Assets and Sustainable Development

Road Traffic (Administration) Regulations 2014

D120401 - Road Traffic (Administration) Act 2008 – Prescribed Officers

Prescribed Officers: Director Assets and Sustainable Development, Senior Ranger and Ranger

Freedom of Information Act 1992

D040111 – Freedom of Information – Coordinator & Review Officer

Coordinator: Director Corporate and Community Services

Review Officer: Chief Executive Officer

Australian Citizenship Act 2007

D040114 – Citizenship Ceremonies

Delegates: President, Deputy President and Chief Executive Officer

Environmental Protection Act 1986 & Environmental Protection (Noise) Regulations 1997

D100503 – Pollution Abatement

Delegate: Chief Executive Officer

D100504 – Noise Management Plans (Reg. 13)

Delegates: Chief Executive Officer and Principal Environmental Health Officer

D100506 – Noise Management Plans (s.20)

Delegate: Chief Executive Officer

D100507 – Authorised Person and Inspector – Environmental Protection Act 1986

Authorised Person and Inspector: Robert Ohle, Principal Environmental Health Officer

Planning & Development Act 2005 (s227 & 228)

D100603 – Town Planning Scheme Compliance

Delegate: Chief Executive Officer

Designated Persons: Chief Executive Officer, Director Assets and Sustainable Development, Customer Service Officers (Sustainable Development) and the Director Corporate and Community Services.

Litter Act 1979

D100203 – Litter Act 1979 – Authorised Officers

Authorised Officers: All Elected Members and Shire Employees

D100204 – Litter Act 1979 – Honorary Inspectors

Honorary Inspector: Nil

D100205 – Litter Act 1979 – Withdrawal of Infringement Notices

Appointee: Chief Executive Officer

Caravan Parks & Camping Grounds Act 1995

D130204 – Caravan Parks and Camping Grounds – Appointment of Authorised Persons

Refer Delegation

Fines, Penalties and Infringement Notices Enforcement Act 1994

D050308 – Fines, Penalties and Infringement Notices Enforcement Act 1994 – Appointment of Prosecution Officers

Refer Delegation

Delegations, Authorisations & Appointments

GENERAL PURPOSE FUNDING - 03

RATES - 0301

RATE BOOK

DELEGATION NUMBER	-	D030101
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Rates

The Chief Executive Officer is hereby delegated authority to perform the following functions of the Council:

1. Compile the necessary rate records as specified in Sections 6.39(1) and 6.39(2) of the Local Government Act 1995 and reassess rates payable in accordance with Section 6.40.
2. The service of rate notices referred to in Section 6.41 of the Local Government Act 1995 (as amended).
3. Entering into an agreement in accordance with Section 6.49 of the Local Government Act 1995 for the payment of rates and service charges.
4. Determine the date that a rate or service charge becomes due and payable in accordance with Section 6.50 of the Local Government Act 1995.
5. The recovery of rates and service charges pursuant to the provisions of Sections 6.54 to 6.62 of the Local Government Act 1995. (nb: Delegation to the CEO to write off small debts D040226).
6. Lodge caveats on land where the rates are in arrears and it is considered that the interests of the Council should be protected and the subsequent withdrawal of caveats once arrears of rates have been settled. (Section 6.64(3).)
7. Exercise discretion in regard to granting of any extension of time for service of objections to the Rate Book in accordance with Section 6.76(4) of the Local Government Act 1995.
8. Allow or disallow in accordance with Section 6.76(5) any objection to the rate record lodged under Section 6.76(1) and to serve notice of the decision and a statement of reasons for the decision upon the person lodging the objection in accordance with Section 6.76(6).
9. Extend the period of time for receipt of a notice under Section 6.77 and to refer notices received under Sections 6.77 and 6.78 to a Land Valuation Tribunal (Section 6.79).

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Corporate and Community Services and the Manager Corporate Services.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Rate Book.

AMENDED by Res: 20 November 2018 / 071118

Commented [CT1]: Replaced with 1.2.21, 1.2.22, 1.2.23, 1.2.24, 1.2.25, 1.2.26 and 1.2.27

OTHER GENERAL PURPOSE FUNDING - 0302

INVESTMENTS

DELEGATION NUMBER	-	D030201
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Other General Purpose Funding

The Chief Executive Officer is delegated authority to invest any monies held in the Municipal Fund or the Trust Fund that is not, for the time being, required by the local government for any other purpose. In exercising this delegated authority the Chief Executive Officer shall observe Section 6.14 of the Act and Council Policy P040229.

Further, the Chief Executive Officer is delegated authority to establish and document internal control procedures to be followed by employees to ensure control over investments. The control procedures are to enable the identification of:-

- a) The nature and location of all investments, and
- b) The transactions related to each investment.

(Reference: Local Government (Financial Management) Regulation No 19.)

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Corporate and Community Services and the Manager Corporate Services.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Investments Register and inclusion in monthly Financial Report to Council.

AMENDED by CEO 24 October 2018 – Added Sub-Delegation

Commented [CT2]: Replaced with 1.2.21

GOVERNANCE - 04

MEMBERS OF COUNCIL - 0401

DONATIONS

DELEGATION NUMBER	-	D040101
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Members of Council

The Chief Executive Officer is delegated authority to approve requests for donation of monies up to the value of \$200 (a maximum sum of \$3,000 may be allocated in this way within any one financial year) when a group or individual can demonstrate:

1. Significant direct benefit to the local community.
2. That the group is a community group or non-profit making organisation or running a non profit activity.
3. That the group's financial status is such as to justify a donation from Council.
4. Special circumstances or needs exist in the opinion of the Chief Executive Officer to warrant a donation, eg. support of needy groups and individuals who bring credit to the Local Government by achieving state or national representation or awards, which sees them requiring financial assistance for travelling, accommodation or other incidental expenses.
5. That available funding exists in Council's budget.

CONDITIONS

A group or individual is eligible to receive a donation under this Delegation only once in any one financial year.

Donations towards the cost of hire fees for Council facilities are excluded given that the fees are already subsidised by the Council for community groups.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Register of Donations to be kept together with evidentiary documents on relevant file.

AMENDED by Res: 250313 / 26 March 2013

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 130717 / 18 July 2017

AMENDED by Res: 20 November 2018 / 071118

Commented [CT3]: Delete. To be considered as a policy.

CONFERENCES/SEMINARS/TRAINING COURSES - EXPENSES OF COUNCILLORS

DELEGATION NUMBER	-	D040103
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Members of Council

The Chief Executive Officer is delegated authority to reimburse or pay all reasonable expenses to Councillors incurred whilst attending authorised (refer Council Policy P040209) conferences, seminars and training courses and during other absences from the district on any business deemed necessary by the Chief Executive Officer or Council. Such expenses may include registration fees, accommodation, meals, refreshments, travel, telephone calls and other appropriate out-of-pocket expenses. Before exercising this delegated authority the Chief Executive Officer shall obtain from the Councillor receipts or other appropriate proof that the expense was incurred, along with a declaration that the expense was incurred wholly whilst on Council business.

This delegation also applies to the payment of expenses of partners.

The Chief Executive Officer shall observe any Council policy in place from time to time.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

All claims to be submitted in writing on the appropriate form and endorsed by the CEO.

Commented [CT4]: Delete. See Council Policy P040129 - Reimbursement of Elected Members Travel Expenses. This policy is currently being reviewed and will be brought to Council in coming months.

COUNCIL PLANT - NON-PROFIT ORGANISATIONS

DELEGATION NUMBER	-	D040104
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Members of Council

The Chief Executive Officer is delegated authority to determine any application for the use of Council plant and/or materials (eg. gravel) for use on projects organised by non-profit organisations (eg. sporting clubs) provided that, at all times, the plant is operated by Council employees and the total value of the donation for the project is limited to no more than \$1,000 and the total value of all donations is to be limited to the relevant Council adopted budget line.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Applications and approvals to be in writing.

Approvals to contain details of estimated cost and whether the cost of the works is donated.

Accounting records to allow for identification of works undertaken and donations made which are to be recorded against a relevant members donations Council budget line.

Commented [CT5]: Delete – No statutory function relates that can be delegated. To be considered as a new policy.

LOCAL LAW - STANDING ORDERS – RECORDING OF PROCEEDINGS

DELEGATION NUMBER	-	D040108
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Members of Council

The Chief Executive Officer is delegated the power to grant approval, in writing, if the Chief Executive Officer considers it appropriate, for persons to use any electronic, visual or vocal recording device or instrument to record the proceedings of any Council or Committee meeting, or any part of a Council or Committee meeting (Refer clause 8.5(1) of the Shire of Denmark Standing Orders Local Law).

CONDITIONS

- Before exercising this delegated authority the Chief Executive Officer shall consult with the Shire President and shall only exercise the delegated authority if the Shire President agrees.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 20 November 2018 / 071118

Commented [CT6]: Delete. Clause 8.5 of the Standing Orders provides that the CEO can record or the Council or Committee can grant permission to a person to record.

COMPLAINTS OFFICER

DELEGATION NUMBER	-	D040109
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.120 (1))
DESIGNATED OFFICER	-	Director Corporate and Community Services
ACTIVITY	-	Members of Council

The Director Corporate and Community Services is designated as the Local Government's Complaints Officer for receiving, investigating and, if deemed valid, registering and reporting Elected Member breaches or alleged breaches of the Council's Code of Conduct or the Local Government (Rules of Conduct) Regulations 2007.

RECORDING REQUIREMENTS

Refer to sections 5.104 to 5.123 of the Local Government Act 1995.

Relevant file & valid complaints to be recorded in the Council's Complaints Register, pursuant to section 5.121 of the Local Government Act 1995.

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Refer also Council Policy P040128 – Shire of Denmark Code of Conduct

Res: 120408 / 22 APRIL 2008

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 130717 / 18 July 2017

Commented [CT7]: Delete. This is a designation by the CEO. To be recorded in separate register. S5.120 of the Local Government Act 1995.

PUBLIC INTEREST DISCLOSURE - INVESTIGATIONS OFFICER

DELEGATION NUMBER	-	D040110
LEGISLATIVE POWERS	-	Public Interest Disclosure Act 2003 (Section 23 (1) (a))
DESIGNATED OFFICER	-	Director Corporate & Community Services
ACTIVITY	-	Members of Council

The Chief Executive Officer has designated the Director Corporate & Community Services as the Local Government's Public Interest Disclosure Officer for receiving disclosures of public interest information.

RECORDING REQUIREMENTS

Upon appointment, the designated Officer must complete and forward a Public Interest Disclosure Officer's Declaration Form to the Public Sector Commission.

Pursuant to section 23 (1) (f) of the Public Interest Disclosure Act 2003) the Chief Executive Officer is required to report annually to the Public Sector Commissioner on the number of public interest disclosures received over the report period.

Refer also Council's Public Interest Disclosure Procedures, developed pursuant to Section 23 (e) of the Public Interest Disclosure Act 2003.

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 130717 / 18 July 2017

AMENDED by Chief Executive Officer 27 July 2020

Commented [CT8]: Delete. This is an appointment by the CEO according to the PID Act, not a delegation. To be recorded in separate register.

FREEDOM OF INFORMATION - COORDINATOR & REVIEW OFFICER

DELEGATION NUMBER	-	D040111
LEGISLATIVE POWERS	-	Freedom of Information Act 1992 (Section 41 & 100 (1))
APPOINTEE	-	Chief Executive Officer
ACTIVITY	-	Members of Council

The Chief Executive Officer has determined that the position of Chief Executive Officer is designated as the Local Government's Internal Review Officer, pursuant to Section 41 of the Act.

AMENDED by Res: 110715 / 7 July 2015

CURRENT DESIGNATED PERSONS

Pursuant to Section 100 (1) of the Act, the Chief Executive Officer, as the Shire of Denmark's Principal Officer for the purposes of the Act, designates;

1. The Director Corporate and Community Services as the Council's Freedom of Information Coordinator, for receiving, investigating, registering and reporting Freedom of Information requests.

RECORDING REQUIREMENTS

Refer to Freedom of Information Act 1992. (Active Freedom of Information Request File and following final decision, on relevant file).

Refer also Council's Freedom of Information (FOI) Statement.

AMENDED by Res: 130717 / 18 July 2017

AMENDED by Res: 20 November 2018 / 071118

Commented [CT9]: Delete. Appointment by CEO according to Act. Not a delegation.

EQUAL OPPORTUNITY – APPOINTED PERSONS

DELEGATION NUMBER	-	D040112
LEGISLATIVE POWERS	-	Equal Opportunity Act 1984 (Section 145 (h))
DESIGNATED OFFICER	-	Director Corporate and Community Services
ACTIVITY	-	Members of Council

Council appoints the Director Corporate and Community Services to implement the provisions referred to in Section 145 (a) to (g) of the Equal Opportunity Act 1984 to prepare and implement the Council's Equal Opportunity Management Plan.

RECORDING REQUIREMENTS

Refer to Equal Opportunity Act 1984 and file GOV.11.
Report to the Director as per Section 146 by the 8 December each year (Reg. 32 (B) (2)).

Refer Council's Equal Employment Opportunity Management Plan.
Refer Equal Employment Opportunity Human Resources Policy.

AMENDED by Res: 110715 / 7 July 2015
AMENDED by Res: 130717 / 18 July 2017
AMENDED by Res: 20 November 2018 / 071118

Commented [CT10]: Delete. Not a delegation. The CEO is responsible for administrative operations and ensuring that the Shire has an Equal Opportunity Management Plan for employees and that it is implemented.

CITIZENSHIP CEREMONIES

DELEGATION NUMBER	-	D040114
LEGISLATIVE POWERS	-	Australian Citizenship Act 2007, Section 27(5)
AUTHORISED PERSON(S)	-	Chief Executive Officer
	-	Shire President
	-	Deputy Shire President
ACTIVITY	-	Members of Council

Powers and duties authorised

The Minister for Home Affairs, acting under subsection 27(5) of the Australian Citizenship Act 2007 ('the Act') authorises the classes of persons, and the persons from time to time holding, occupying or performing the duties of a position, mentioned in the Schedule to this Instrument, to receive a pledge of commitment.

Persons to whom the delegation applies

The following officers of the Shire of Denmark are authorised to receive a pledge of commitment, so long as they are Australian Citizens;

1. President of a Shire;
2. Deputy President of a Shire; and
3. Chief Executive Officer of a Shire.

RECORDING REQUIREMENTS

Pledge Verification List.

Copied onto relevant file.

Instrument of Authorisation Schedule (17 August 2015) - see File GOV.43 / ICR171149146

AMENDED by Res: 080811 / 23 August 2011

AMENDED by Res. 100312 / 20 March 2012

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 20 November 2018 / 071118

AMENDED by changes to the Instrument of Delegation 3 January 2019 (Authorised Officers must be Australian Citizens)

Commented [CT11]: Federal Government Authorisation. No Council discretion.

Replaced with Delegation 10.5.1.

CODE OF CONDUCT BEHAVIOUR COMPLAINTS

Commented [CT12]: Replaced with Delegation 1.2.29.

DELEGATION NUMBER	-	D040115
EXPRESS POWER TO DELEGATE	-	Local Government Act 1995 (Section 5.42)
POWER OR DUTY DELEGATED	-	Local Government (Model Rules of Conduct) Regulations 2021
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Members of Council

The Chief Executive Officer is delegated authority to:

1. Approve a behaviour complaint form, in accordance to Regulation 11(2)(a); and
2. Authorise one or more persons to receive complaints and withdrawals of complaints, in accordance with Regulation 11(3).

RECORDING REQUIREMENTS

Regulation 19 of the Local Government (Administration) Regulations requires that when delegated authority is exercised, evidentiary documents must be kept.

ADDED by Res: 160721 / 20 July 2021

AUTHORISED PERSON(S) For the purpose of Regulation 11(3)	Date appointed by the Chief Executive Officer
Director Corporate & Community Services	11 August 2021

CODE OF CONDUCT BEHAVIOUR COMPLAINTS COMMITTEE

Commented [CT13]: Replaced with Delegation 1.1.2.

DELEGATION NUMBER	-	D040116
EXPRESS POWER TO DELEGATE	-	Local Government Act 1995 (Section 5.16)
POWER OR DUTY DELEGATED	-	Local Government (Model Rules of Conduct) Regulations 2021 Regulation 12 Dealing with a complaint Regulation 13 Dismissal of complaint
DELEGATE	-	Behaviour Complaints Committee
ACTIVITY	-	Members of Council

3. Authority to make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur *[r12 (1) and (3)]*.

In making any finding the Committee must also determine reasons for the finding *[r12(7)]*.

4. Where a finding is made that a breach has occurred, authority to:
 - a. Take no further action *[r12(7)]*.
 - b. Prepare an implement a plan to address the behaviour of the person to whom the complaint relates *[r12(4)(b), (5) and (6)]*.
5. Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal *[r13(1) and (2)]*.

CONDITIONS

1. The Committee will make decisions in accordance with the principles and specified requirements established in the Code of Conduct Behaviour Complaints Management Policy.
2. That part of a Committee meeting which deals with a complaint will be held behind closed doors in accordance with s5.23(2)(b) of the Act.
3. The Committee is prohibited from exercising this delegation where a Committee Member in attendance at a Committee meeting is either the complainant or respondent to the complaint subject of a Committee agenda item.

RECORDING REQUIREMENTS

Regulation No 19 of the Local Government (Administration) Regulations requires that when delegated authority is exercised, evidentiary documents must be kept.

ADDED by Res: 170721 / 20 July 2021

ADMINISTRATION (OTHER GOVERNANCE) - 0402

CREDITORS, PAYMENT OF

DELEGATION NUMBER	-	D040201
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

The Chief Executive Officer is delegated authority to make payments from the Municipal Fund or the Trust Fund. Each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled for each month showing -

- a) The payee's name
- b) The amount of the payment
- c) The date of the payment
- d) Sufficient information to identify the transaction.

The list referred to above is to be presented to the Council at the next available ordinary meeting of the Council following the preparation of the list and is to be recorded in the minutes of the meeting at which it is presented.

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Corporate and Community Services, the Manager Corporate Services and the Director Assets & Sustainable Development, noting that dual signatures are required.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

List of accounts recorded in monthly Council meeting minutes.

Refer also to the Organisation Procedure Manual.

AMENDED by Res: 110715 / 7 July 2015

AMENDED by CEO 24 October 2018 – Added Sub-Delegation

Commented [CT14]: Replaced with Delegation 1.2.19

LEGAL ADVICE & REPRESENTATION

DELEGATION NUMBER	-	D040203
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

The Chief Executive Officer is delegated authority to;

1. Obtain such legal advice and opinions as is deemed necessary in the exercise of the management of the Local Government, subject to provision being made in the budget for legal expenses.
2. In cases where a delay in the approval of an application will be detrimental to the legal rights of the applicant, the CEO may exercise, on behalf of the Council, any of the powers of the Council under clause 5.1 and 5.2 of Council's Policy P040124 – Legal Representation for Council Members and Employees, to a maximum of \$10,000 in respect of each application.

Note: Part 2 cannot be onward delegated.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Relevant correspondence kept on appropriate files.

Commented [CT15]: Delete. Not required as it not it is not a Council statutory power that can be delegated but rather an executive function of the CEO under s.5.41. Council sets the budget for legal expenses.

CLAIMS AGAINST THE LOCAL GOVERNMENT

DELEGATION NUMBER	-	D040204
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

The Chief Executive Officer is delegated authority to consider claims against the Local Government for property damage that do not exceed the insurance policy excess levels, and to accept or deny liability on behalf of the Local Government.

In cases where liability is accepted, payment may only be made up to the value of Council's relevant insurance excess amount and then only upon receipt of appropriately completed release form prepared by Council's Solicitors.

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Corporate and Community Services.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Correspondence kept on relevant file(s).

AMENDED by Res: 130717 / 18 July 2017

Commented [CT16]: Delete. No statutory function that can be delegated. Considered an executive function of the CEO under s5.41.

ACTING CHIEF EXECUTIVE OFFICER

DELEGATION NUMBER	-	D040206
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.36 and 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

The Chief Executive Officer is delegated authority to appoint a senior employee of Council in accordance with Policy P040106 to act in the capacity of Chief Executive Officer during scheduled absences of the Chief Executive Officer. During unscheduled absences of the Chief Executive Officer, the Director Corporate and Community Services is to act as Chief Executive Officer.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Advice of appointment in writing filed in particular officer's personnel file.

AMENDED by Res: 210315 / 24 March 2015

Commented [CT17]: Delete. Replaced with Temporary or Acting CEO Policy.

PROPERTY - ACQUISITION & DISPOSAL

DELEGATION NUMBER	-	D040212
LEGISLATIVE POWERS	-	Local Government Act 1995 (Sections 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

The Chief Executive Officer is delegated authority to acquire or dispose of any property (other than land) valued at an amount not exceeding \$50,000 provided that appropriate provision is made in Council's Budget.

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Corporate and Community Services and the Director Assets and Sustainable Development with respect to trading of registered vehicles or road plant.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Evidentiary records of items disposed of or acquired and process of disposal or acquisition to be retained.

Note also:
Organisation Procedure OP040233

AMENDED by Res: 110715 / 7 July 2015
AMENDED by Res: 130717 / 18 July 2017

Commented [CT18]: Delete. There is no statutory power to delegate. Acquisition and disposal are in accordance with the Shire's purchasing policy and statutory provisions under s3.57, 3.58 and associated regulations.

EXECUTIVE FUNCTIONS - DUTIES

DELEGATION NUMBER	-	D040214
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

The Chief Executive Officer is delegated authority to perform the following duties, so far as is reasonable and practicable, on behalf of Council in regard to the performance of executive functions referred to under Section 3.21 of the Local Government Act:

1. Ensure that the lawful use of any land, thoroughfare or premises is not obstructed, and any reasonable request that a person makes to avoid such obstruction is met.
2. Ensure that as little as possible harm, inconvenience or damage is done.
3. Ensure that danger to any person or property does not arise from anything done on land.
4. Ensure that anything belonging to it, or to a person who has exercised a power of entry on its behalf, that has been left on any land, premises or thing entered is removed as soon as practicable unless this Act expressly allows it to be left there.
5. Ensure that buildings, fences, and other structures are neither disturbed nor damaged.
6. Ensure that when it enters land that is fenced, it enters through the existing and usual openings in the fence unless it is expressly authorised to open the fence.
7. Ensure that any physical damage done to any land, premises or thing, is immediately made good unless compensation has been or is to be paid.

(5), (6) and (7) do not apply to any land, premises or thing that is local government property.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Where applicable, a written record of action taken is to be kept.

AMENDED by Res: 130717 / 18 July 2017

Commented [CT19]: Delete. All employees have an obligation to conform with the principles identified in s.3.21 of the LG Act. The function is treated as 'acting through' and not a delegation.

TENDERS FOR PROVIDING GOODS & SERVICES

DELEGATION NUMBER	-	D040217
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

In respect to part 4 of the Local Government (Functions and General) Regulations 1996, the Chief Executive Officer is delegated authority to perform the following:

- a) Publicly invite tenders for the supply of goods and services when the CEO believes that a tender process will deliver the best outcome for Council.
(Reference: Regulations 11 (1), 12 and 13.)
- b) Determine, in writing, the criteria for deciding which tenders should be accepted and give Statewide public notice in accordance with Regulation 14.

CONDITIONS

1. For the purposes of Section 5.43 (b) of the Local Government Act 1995, the Chief Executive Officer is delegated authority to accept or reject tenders for Tender No. TEN.1.1920 – Plane Tree Structural and Landscaping, in accordance with Regulation 18 of the Local Government (Functions & General) Regulations 1996, when the consideration involved does not exceed \$500,000 provided that appropriate provision is made in Council's Budget.
2. For the purposes of Section 5.43 (b) of the Local Government Act 1995, the Chief Executive Officer is delegated authority to accept or reject tenders, in accordance with Regulation 18 of the Local Government (Functions & General) Regulations 1996, all other tenders not identified in condition (1), when the consideration involved does not exceed \$250,000 provided that appropriate provision is made in Council's Budget.

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the relevant Director; for the supply of goods and services within that officer's area of responsibility.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Tenders Register.

AMENDED by Res: 110715 / 7 July 2015
AMENDED by Res: 301015 / 20 October 2015
AMENDED by Res: 130717 / 18 July 2017
AMENDED by Res: 071118 / 20 November 2018
AMENDED by Res: 101219 / 17 December 2019

Commented [CT20]: Replaced with Delegations 1.2.16 and 1.2.17.

EXECUTION OF DOCUMENTS

DELEGATION NUMBER	-	D040218
LEGISLATIVE POWERS	-	Local Government Act 1995 (9.49A (4))
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

Where:

1. Council has resolved to enter into a formal agreement.
2. Such action is necessary to protect the Shire's or Council's interest.
3. a formal contract is considered necessary by the Chief Executive Officer as part of the day-to-day operation of the Council.

the Chief Executive Officer is delegated authority to prepare the necessary documentation taking into account any specific or policy requirements of Council and arrange for execution of the contract documents including authorisation to affix the seal in accordance with Section 9.49A(3) of the Local Government Act 1995.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Use of this delegation is to be recorded in a Seal Register which is to be available for public inspection.

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 20 November 2018 / 071118

AMENDED by Res: 17 November / 151120

Commented [CT21]: Delete. Preparation of documentation is an executive function under s5.41.

Delete. Power to authorise a person, not delegation. s.9.49A and s.9.49B. Affixing of seal is in accordance with 9.49A(1).

Separate recommendation for Council to authorise CEO and Deputy CEO.

COMMERCIAL ENTERPRISES

- DELEGATION NUMBER - **D040219**
- LEGISLATIVE POWERS - Local Government Act 1995 (Section 5.42)
- DELEGATE - Chief Executive Officer
- ACTIVITY - Administration (Other Governance)

The Chief Executive Officer is delegated authority to prepare any Business Plan as required under Section 3.59(2) of the Local Government Act 1995 and to give Statewide public notice as required by Section 3.59(4) of the Act prior to consideration by Council.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Copy of the Business Plan is to be kept on the relevant file.

Commented [CT22]: Delete. Advice received suggests that it is not best practice to have this statutory power delegated. A business plan for a commercial undertaken forms the basis of the Council's accountability to the community for that particular transaction. Commercial enterprises and business plans for such should have the endorsement of Council.

TRUST FUND

DELEGATION NUMBER	-	D040220
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

The Chief Executive Officer is delegated authority to manage the Trust Fund as required by Section 6.9 of the Local Government Act.

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Corporate and Community Services and the Manager Corporate Services.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Accounting records.

AMENDED by CEO 24 October 2018 – Added Sub-Delegation

Commented [CT23]: Delete. This is a mandatory requirement for local governments and is therefore considered an operational function of the CEO (s.5.41).

PAYMENT OF ACCOUNTS

DELEGATION NUMBER	-	D040221
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

The Chief Executive Officer is delegated authority to:

1. Develop procedures for the authorisation and the payment of accounts to ensure that there is effective security for, and properly authorised use of:-
 - a) cheques, credit cards, computer encryption devices and passwords, order cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and
 - b) petty cash systems.
2. Develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that:-
 - a) the relevant debt was incurred by a person who was properly authorised to do so; and
 - b) the goods or services to which each account relates were provided in a satisfactory condition or to a satisfactory standard.

(Reference: Local Government (Financial Management) Regulation No 11(1) and (2).)

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Corporate and Community Services.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

In accordance with the Organisation Procedure OP040237.

AMENDED by Res: 130717 / 18 July 2017

Commented [CT24]: Replaced with Delegation 1.3.5

EXPENDITURE BEFORE ADOPTION OF BUDGET

DELEGATION NUMBER	-	D040222
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

The Chief Executive Officer is delegated authority to authorise operating expenditure and appropriate capital expenditure that is included in Council's Long Term Financial Plan, from the Municipal Fund prior to the adoption of the annual budget. (Reference Section 6.8(1)).

The Chief Executive Officer in exercising this delegated authority shall ensure the proposed expenditure is included in the draft budget to be presented to Council.

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development and the Director Corporate and Community Services and Manager Corporate Services.

The above delegation applies to the particular officer's area of responsibility only.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

In accordance with the Organisation Procedure OP040237.

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 20 November 2018 / 071118

Commented [CT25]: Delete. No discretion provided under 6.8(1).
Incurring operational expenditure that is a standard budget allocation in the draft budget is a CEO's prescribed function under s.5.41.

If the expenditure is not a standard budget allocation then it must be approved by Council, by an absolute majority (s.6.8(1)(b)) or in advance by the Shire President if the case of an emergency (s.6.8(1)(c))

GRANTS & SUBSIDIES

DELEGATION NUMBER	-	D040223
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

The Chief Executive Officer is delegated authority to make submissions for grants and/or subsidies from State and Commonwealth Governments without prior approval of Council, for projects that are not included in the Municipal Budget. In exercising this delegated authority the following conditions shall be observed:

1. The grant/subsidy shall not be accepted without Council's endorsement.
2. The undertaking is to be in accordance with Council's established strategic objectives.

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to Director Assets and Sustainable Development and the Director Corporate and Community Services.

The above delegation applies to the particular officer's area of responsibility only.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

As well as retaining a copy of the grant application / covering letter on the relevant file, a copy is to be provided to the Director Corporate and Community Services for the purposes of consideration in future Budgets and/or Long Term Financial Plan reviews.

AMENDED by Res: 130717 / 18 July 2017

Commented [CT26]: Delete. No statutory power or function to delegate. To be considered as a policy position.

STAFF RELOCATION EXPENSES

DELEGATION NUMBER	-	D040224
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

The Chief Executive Officer is delegated authority to determine any application for relocation expenses based on the following guidelines:

1. The relocation expenses are not to include any personal travelling expense.
2. Expenses are to be paid only on the production of tax receipts.
3. 50% of the relocation expenses may be paid on the employee commencing duties with the Council and the remaining 50% paid after six (6) months satisfactory service.
4. Relocation expenses paid to any employee shall not exceed \$5,000 unless otherwise approved by Council.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Written quotations and confirmation of decision in writing with a copy on the relevant officer's personal file.

Commented [CT27]: Delete. No statutory power or function to delegate. To be considered as an internal HR policy.

DEBTS - WRITE OFF, WAIVER OR CONCESSIONS

DELEGATION NUMBER	-	D040226
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

The Chief Executive Officer is delegated authority to write-off debts, waive or grant concessions in relation to any amount of money, pursuant to Section 6.12 (1) (b) and (c) of the Local Government Act 1995.

Pursuant to Section 6.12 (2) waivers and concessions do not apply to rates and service charges.

CONDITIONS

1. All the necessary measures have been taken to recover the debt.
2. A limit of \$500 with respect to individual debt write-offs and to a total maximum value as adopted in the Council's annual budget under GL1422502.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Appropriate journal entry and evidentiary documents must be retained on the Shire's record keeping database in ADMIN.9.

AMENDED by Res: 130717 / 18 July 2017

Commented [CT28]: Replaced with Delegation 1.2.20.

STAFF PRODUCTIVITY INCENTIVE SCHEME

DELEGATION NUMBER	-	D040227
LEGISLATIVE POWERS	-	Local Government Act 1995
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

Council authorises the Chief Executive Officer to pay, at the Chief Executive Officer's discretion, an amount not exceeding \$200 in cases where staff have put forward good suggestions which have been adopted and resulted in savings and improved efficiency to Council.

RECORDING REQUIREMENTS

Copy of the Memo to the Employee to be placed on the Employees Personnel File.

AMENDED by Res: 20 November 2018 / 071118

Commented [CT29]: Delete. No statutory power or function to delegate. To be considered as a policy but requires more detailed guidelines to avoid the risk of favouritism and/or inequity.

CONTRACT VARIATIONS

DELEGATION NUMBER	-	D040228
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

The Chief Executive Officer is delegated authority to approve minor variations to contracts entered into by Council, subject to the funds required to meet the cost of the variations being contained within the amount set aside in the budget adopted by the Council.

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development and the Director Corporate and Community Services.

The above delegation applies to the particular officer's area of responsibility only.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Tender/Contracts Register.

AMENDED by Res: 110715 / 7 July 2015

Commented [CT30]: Delete. Power to authorise a person, not delegation. s.9.49A and s.9.49B.

Separate recommendation for Council to authorise CEO and Deputy CEO.

MASTER LENDING AGREEMENT

DELEGATION NUMBER	-	D040230
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

With respect to the Shire of Denmark’s Master Lending Agreement with the Western Australian Treasury Corporation, the Chief Executive Officer is delegated authority to;

- Sign schedule of documents under the Master Lending Agreement and/or to give instructions thereunder on behalf of the Shire of Denmark; and
- Cause the affixation of the Shire of Denmark Common Seal to those documents in the presence of the Shire President, each of whom shall sign the document to attest the affixation of the Common Seal thereto, in accordance with Council Policy P040207 without further reference to Council.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Execution of the Documents to be in accordance with Delegation D040218.

AMENDED by Res: 20 November 2018 / 071118

Commented [CT31]: Delete. No statutory power to delegate. To be considered as a policy and relate back to s.9.49A & B.

AUDIT ADVISORY COMMITTEE

DELEGATION NUMBER	-	D040231
LEGISLATIVE POWERS	-	Local Government Act 1995 (Sections 5.16 and 7.1B)
DELEGATE	-	Audit Advisory Committee
ACTIVITY	-	Administration (Other Governance)

FUNCTION

1. Authority to meet with the Shire's Auditor at least once every year on behalf of the Council [s.7.12A(2)].
2. Authority to:
 - a) Examine the report of the Auditor and determine matters that require action to be taken by the Shire of Denmark; and
 - b) Ensure that appropriate action is taken in respect of those matters [s.7.12A(3)].
3. Authority to prepare a report on any actions under s.7.12A (3) in respect of an audit conducted in respect of a financial year for Council's endorsement, prior to sending the report to the Minister [s.7.12A(4)].

CONDITIONS

Nil

RECORDING REQUIREMENTS

Audit Committee Minutes shall record and identify each decision made under this delegation in accordance with the requirements of Administration Regulation 19.

ADDED by Res: 110918 / 18 September 2018

Commented [CT32]: Replaced with Delegation 1.1.1

LAW, ORDER & PUBLIC SAFETY - 05

FIRE PREVENTION - 0501

BURNING OF SHIRE CONTROLLED RESERVES

DELEGATION NUMBER	-	D050101
LEGISLATIVE POWERS	-	Local Government Act 1995 (section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Fire Prevention

The Chief Executive Officer is delegated authority to determine applications for burning of Shire controlled reserves (including road reserves) in accordance with conditions the Chief Executive Officer deems necessary but based on the following guide;

The conditions relating to each burn include;

1. The Burn to be conducted by appropriately trained Shire of Denmark Volunteer Bush Fire Brigade personnel / brigades with a Council Community Emergency Services Manager (CESM) in command of the burn.
2. To be performed in accordance with duly completed;
 - a. 'Shire of Denmark Prescription Form for Hazard Reduction' and;
 - b. Pre-Burn Checklist' in all cases detailing the resources required and issues to be taken into account.
3. That Department of Fire & Emergency Services (DFES) / Brigade / Council SOP # 35 relating to 'Operational Safety on Roadways' is complied with where relevant.
4. That adequate notice is given to adjoining and likely directly affected residents of the location, timing and extent of the proposed burning and of any impacts on temporary road closures.
5. Temporary Rd closures are hereby permitted as required subject to the extent of closure being done with the approval of the Council's Director Infrastructure and Assets.
6. That adequate notice is given to the Department of Biodiversity Conservation and Attractions Frankland Office of the location, timing and extent of the proposed burning.
7. That where possible (if time allows in this instance), forward notice of the intention to undertake hazard reduction prescription burns 'in the near future' be advertised in the Bulletin.
8. That the burning is done in such a way as to minimise any adverse impact or damage to Council or private fencing, signage or other infrastructure.
9. Following the burn, notification of any known damage to Council or private fencing, signage or other infrastructure is reported to the CESM who will refer the matter to the appropriate Council officer(s).
10. Following the burn, the area is referred, by the CESM in consultation with the Council's Sustainability Officer, to Council's Director Infrastructure and Assets for determination of the need for any post fire emergent weed control (by Council or its agents).
11. That the burning is done in such a way as to minimise long term damage to the environmental values of the vegetation.
12. That any one side of the road reserve can be burnt in any one year.
13. That no known rare or endangered flora exists within the defined area (refer relevant roadside markers on road reserves if applicable in the area and liaise with the Flora Officer, DPaW Frankland District).
14. **The proposed burns are not in an 'environmentally sensitive area'** (the subject of a declaration under section 51B of the Environmental Protection Act 1986) (please refer to the Flora Officer, DPaW Frankland District for reference to the relevant database).
15. This approval is valid if outside of the prohibited and restricted burning times and until 30 November only. If after the 1 September & prior to the 1 December, the CEO must be satisfied that the intensity of the burn will not endanger native flora or fauna.

16. This approval is valid only on days approved by the FCO of the Brigade in charge of the burn and not on an 'extreme' or 'very high' fire danger day.

The Environmental Protection Act 1986, Environmental Clearing Regulations Section 5 exempts burning for hazard reduction from needing a clearing permit – if undertaken in the above manner.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

'Application to Burn' form held by Council's Rangers.

OTHER LEGISLATIVE REQUIREMENTS

1. Sections 8, 9 & 18 of the Bush Fire Act 1954.
2. Section 5 of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004
3. Section 51B of the Environmental Protection Act 1986
4. Pursuant to section 15A of the Bush Fire Regulations 1954, the CEO has removed any approval of FCO's to issue permits to burn on Council Road Reserves (memo dated 20 August 2009 / File FIRE 1) without the CEO's permission, pursuant to this delegation).
5. Shire of Denmark Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Law.

AMENDED by Res: 110715 / 7 July 2015
AMENDED by Res: 130717 / 18 July 2017

Commented [CT33]: Delete. No statutory power to delegate. BF Act provides Bush Fire Control Officers with authority to mitigate for 'prevention of bush fires.

Internal procedure.

FIREBREAK ORDER, VARIATION TO

DELEGATION NUMBER	-	D050102
LEGISLATIVE POWERS	-	Bush Fires Act 1954 (Sections 33 (1) & 48)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Fire Prevention

Pursuant to the provisions of Section 33 (1) of the Bush Fire Act 1954 relating to Council's Firebreak Order, the Chief Executive Officer is delegated authority to approve or refuse applications to provide firebreaks/fire access tracks in alternative positions and to approve or refuse applications to provide alternative fire protection measures & Fire Management Plans on the land.

NOTE: This delegation does not limit the ability of other employees of the Local Government to 'act through' the Chief Executive Officer, pursuant to Section 48(4) of the Bush Fires Act 1954.

NOTE: Pursuant to Section 48 (3), this delegation does not include the power to sub-delegate.

RECORDING REQUIREMENTS

Details of the alternative agreed location/conditions to be placed on the relevant property file.

AMENDED by Res: 110715 / 7 July 2015

Commented [CT34]: Replaced with Delegation 3.1.5.

BURNING, PROHIBITED & RESTRICTED TIMES (VARIATIONS)

DELEGATION NUMBER	-	D050103
LEGISLATIVE POWERS	-	Bush Fires Act 1954 (Sections 17(10) & 18(5C))
DELEGATE	-	Shire President Chief Bush Fire Control Officer
ACTIVITY	-	Fire Prevention

The Shire President and the Chief Bush Fire Control Officer are delegated jointly the Council's powers and duties under Sections 17 (7) and (8) and Section 18 (5) of the Bush Fires Act with respect to varying the prohibited burning times and restricted burning times, provided that the Officer in Charge, Frankland District of the Department of Biodiversity Conservation and Attractions, Department of Fire & Emergency Services (DFES) Albany Regional Office and Senior Brigade Officers are consulted before the authority under this delegation is exercised.

NOTE: Pursuant to Section 17 (7B) of the Act, a variation of prohibited burning times shall not be made under subsection (7) if that variation would have the effect of shortening or suspending those prohibited burning times by, or for, more than 14 successive days.

NOTE: Pursuant to Section 18 (5B) of the Act, a variation shall not be made under subsection (5) if that variation would have the effect of shortening the restricted burning times by; or suspending the restricted burning times, or any prescribed condition, for, more than 14 successive days during a period that would, in the absence of the variation under subsection (5), be part of the restricted burning times for that zone in that year.

RECORDING REQUIREMENTS

Advise relevant authorities and advertise on Council Notice Boards, Council's website and in a newspaper circulating within the Shire, preferably the Denmark Bulletin.

Note: A maximum term of 14 days applies to shortening the restricted or prohibited burning times without Department of Fire & Emergency Services approval / gazettal.

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 20 November 2018 / 071118

Commented [CT35]: Replaced with Delegation 3.1.4.

LOCAL LAW - BUSH FIRE BRIGADES

DELEGATION NUMBER	-	D050104
LEGISLATIVE POWERS	-	Bush Fires Act 1954 (Section 48)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Fire Prevention

The Chief Executive Officer is delegated authority to perform the following powers/duties of the local government and the Council contained within the Local Law relating to Bush Fire Brigades, published in the Government Gazette on the 29th May 2001:

- Appoint a person to fill a vacancy in any brigade officer position if any position becomes vacant prior to a bush fire brigade's first annual general meeting. (Refer clause 2.2(5))
- Notify a bush fire brigade of any variation to the Rules as soon as practicable after the local government has made a decision under sub clause 2.5 (1).
- Supply each brigade officer with a copy of the Bush Fires Act 1954, the Regulations, the Bush Fire Operating Procedures, the local government's Local Law relating to Bush Fire Brigades and any other written laws which may be relevant to the performance of the brigade officer's functions, and any amendments which are made thereto from time to time. (Refer clause 3.2)
- Provide directions to the Chief Bush Fire Control Officer as considered appropriate but only when it is not practicable to obtain prior endorsement of the direction from the local government. (Refer clause 3.3)
- Resolve any disagreements that are not resolved under sub clause (1) or (2) of clause 7.6. Where in the opinion of the Chief Executive Officer the disagreement is considered to be of a serious matter, it is to be referred to the local government for resolution.

NOTE: Not able to be onward delegated pursuant to section 48 (3) of the Bush Fires Act 1954.

RECORDING REQUIREMENTS

Written notice on the relevant file.

AMENDED by Res: 20 November 2018 / 071118

Commented [CT36]: Delete. cl.2.2 and 2.5 relate to the establishment of a new fire brigade and in any case would be determined by the Council. cl.3.2 is operational. cl.3.3 relates to the managerial role of the Chief and any directions required should be referred to the Council. cl.7.6 – if a disagreement cannot be resolved by the Captain, the Committee or the Chief then it should be referred to Council in the Officer's view.

BUSH FIRES ACT 1954 – ISSUING & WITHDRAWAL OF INFRINGEMENTS AND PROSECUTION

DELEGATION NUMBER	-	D050105
LEGISLATIVE POWERS	-	Bush Fires Act 1954 (Section 59 (3) and 59A)
DELEGATES	-	Chief Executive Officer
	-	Community Emergency Services Manager
	-	Senior Ranger
	-	Ranger
	-	Chief Bush Fire Control Officer
	-	Deputy Chief Bush Fire Control Officer
	-	Shire President
ACTIVITY	-	Fire Prevention

The Community Emergency Services Manager, Senior Ranger, Ranger, Chief Bush Fire Control Officer and Deputy Chief Fire Control Officer are delegated authority to consider allegations of offences alleged to have been committed against the Bush Fires Act 1954 in the district of the local government and issue a notice in the prescribed form (infringement notice).

The Chief Executive Officer is delegated authority to initiate and carry on proceedings in the name of the local government against any person alleged to have committed any of those offences in the district, and may pay out of its funds any costs and expenses incurred in or about the proceedings.

This delegation does not preclude the Council from exercising the authority itself, pursuant to Section 59 (5).

WITHDRAWAL OF INFRINGEMENTS

Pursuant to Section 59A (5) of the Bush Fires Act 1954 a *prescribed officer* may withdraw an infringement whether paid or not.

Pursuant to Regulation 4 (a) of the Bush Fires (Infringements) Regulations 1978, for the purposes of local government *prescribed officers* are the Chief Executive Officer and the Shire President.

RECORDING REQUIREMENTS

Notes with respect to the allegation & actions taken.

ADDED by Res: 110715 / 7 July 2015

AMENDED by Res: 081115 / 10 November 2015

AMENDED by Res: 20 November 2018 / 071118

AMENDED by Res: 17 November 2020 / 151120

Commented [CT37]: Replaced with Delegation 3.1.9.

BUSH FIRES REGULATIONS 1954 – PERMITS TO BURN CLOVER

DELEGATION NUMBER	-	D050108
LEGISLATIVE POWERS	-	Bush Fires Regulations 1954 (Regulation 16)
AUTHORISED PERSONS	-	Community Emergency Services Manager
ACTIVITY	-	Fire Prevention

Pursuant to Regulation 16 of the Bush Fires Regulations 1954, the Council appoints the Council's Community Emergency Services Manager as an authorised officer for the purpose of issuing permits to burn clover within the Shire of Denmark.

RECORDING REQUIREMENTS

Section 18 – An Application Form in the prescribed form to be completed and filed on relevant file.

Section 19 (2) – Permit issued to be in the prescribed form.

ADDED by Res: 110715 / 7 July 2015

Commented [CT38]: Replaced with Delegation 3.1.3, plus adds some new suggested delegations.

BUSH FIRES ACT 1954 - APPOINTMENT OF FIRE CONTROL OFFICERS, CHIEF BUSH FIRE CONTROL OFFICERS & DEPUTY CHIEF BUSH FIRE CONTROL OFFICERS

DELEGATION NUMBER	-	D050109
LEGISLATIVE POWERS	-	Bush Fires Act 1954 (Section 38 (1))
APPOINTEES	-	As Listed Below
ACTIVITY	-	Fire Prevention

Pursuant to Section 38 (1) and Section 38 (8) of the Bush Fires Act 1954, APPOINT the following persons for the financial year 2021/2022 and the appointments be advertised in the Denmark Bulletin and Council's Delegation (Appointments) D050109 and D050110 be updated accordingly.

Bush Fire Control Officers authorised within the entire Shire of Denmark

Fire Control Officer & Chief Fire Control Officer	Lez Baines
Fire Control Officer & Deputy Chief Fire Control Officer	Nigel Marsh
Fire Control Officer & Deputy Chief Fire Control Officer	Nigel Marsh
Fire Control Officer & Fire Weather Officer	Adrian Kranendonk
Fire Control Officer	Charmaine Shelley
Fire Control Officer	David Lonie
Fire Control Officer	Emma Holliday
Fire Control Officer	Melanie Haymont
Fire Control Officer	Lee Shelley
Fire Control Officer	Shane Howlett

Bush Fire Control Officers authorised within the entire Shire of Denmark area on behalf of their respective Brigades

Carmarthen Volunteer Bush Fire Brigade	Craig Hughes
Denmark East Volunteer Bush Fire Brigade	William Miller
Harewood Volunteer Bush Fire Brigade	Ian Thompson
Hazelvale/Tingledale Volunteer Bush Fire Brigade	Alex Williams
	Brian Vigus
Kordabup Volunteer Bush Fire Brigade	Craig Lilley
Owingup Volunteer Bush Fire Brigade	Bryce Edwards
Mehniup Volunteer Bush Fire Brigade	Paul Moncrieff
Mt Lindesay Volunteer Bush Fire Brigade	Murray Brooker
Normalup Volunteer Bush Fire Brigade	Neville Brass
Ocean Beach Volunteer Bush Fire Brigade	Hank Alberts
Parryville Volunteer Bush Fire Brigade	Vacant
Peaceful Bay Volunteer Bush Fire Brigade	Vacant
Scotsdale/Shadforth Volunteer Bush Fire Brigade	Carlton Wesley
Somerset Hill Volunteer Bush Fire Brigade	Callum Baxter
William Bay Volunteer Bush Fire Brigade	Simon Coppock

Bush Fire Control Officers authorised within the prescribed Denmark Fire & Rescue Service Area Only

Denmark Fire & Rescue Service (Volunteer Brigade)	Lee Shelley
Denmark Fire & Rescue Service (Volunteer Brigade)	Paul Harbron

RECORDING REQUIREMENTS

Section (2A) – Notice of appointments made under Section 38 (1) are to be published at least once in a newspaper circulating in the district.

Section 38 (2E) – A bush fire control officer shall be issued with a certificate of appointment.

ADDED by Res: 140715 / 7 July 2015 | AMENDED by Res: 070716 / 5 July 2016 | AMENDED by Res: 050817 / 15 August 2017 | AMENDED by Res: 231117 / 21 November 2017 | AMENDED by Res: 120718 / 17 July 2018 |

AMENDED by Res: 220918 / 18 September 2018 | AMENDED by Res: 150419 / 16 April 2019 | AMENDED by Res: 100719 / 16 July 2019 / AMENDED by Res:180820 / 18 August 2020 / AMENDED by Res:160221 / 16 February 2021 \ AMENDED by Res: 250721 / 20 July 2021

BUSH FIRES ACT 1954 - APPOINTMENT OF FIRE WEATHER OFFICERS

DELEGATION NUMBER	-	D050110
LEGISLATIVE POWERS	-	Bush Fires Act 1954 (Section 38 (8))
APPOINTEE	-	As Listed Below
ACTIVITY	-	Fire Prevention

Pursuant to Section 38 (8) of the Bush Fires Act 1954, Council may appoint to the office of Fire Weather Officer such number of senior bush fire control officers as it thinks necessary.

Note: Council is an approved local government, pursuant to Section 38 (6) and (7) of the Bush Fires Act 1995 (Government Gazette – 19 December 1958, page 3293).

At its meeting held on 20 July 2021, Council appointed the following persons for the 2021/2022 financial year, Resolution No. 280721;

Fire Weather Officers authorised within the entire Shire of Denmark

Adrian Kranendonk

RECORDING REQUIREMENTS

Section 38 (13) – Notice of an appointment made under Section 38 (8) to made to the FES Commission and notice of the appointment to be published at least once in a newspaper circulating in its district and the FES Commissioner shall cause notice of an appointment to be published once in the Government Gazette.

ADDED by Res: 140715 / 7 July 2015
AMENDED by Res: 070716 / 5 July 2016
AMENDED by Res: 050817 / 15 August 2017
AMENDED by Res: 130718 / 17 July 2018
AMNEDED by Res: 280721 / 20 July 2021

Commented [CT39]: Replaced with Delegation 3.1.8. Recommended new Delegation 3.1.8 to permit the CEO to appoint.

This will not prevent the current process of the Bush Fire Advisory Committee putting forward recommendations for FCO appointments annually for Council's consideration.

Commented [CT40]: Replaced with Delegation 3.1.8. Recommended new Delegation 3.1.8 to permit the CEO to appoint.

This will not prevent the current process of the Bush Fire Advisory Committee putting forward recommendations for FCO appointments annually for Council's consideration.

BUSH FIRES ACT 1954 – MITIGATION WORKS ON PRIVATE LAND

DELEGATION NUMBER	-	D050111
LEGISLATIVE POWERS	-	Bush Fires Act 1954 (Section 48)
APPOINTEE	-	Chief Executive Officer
ACTIVITY	-	Fire Prevention

The Chief Executive Officer is delegated the local governments powers and functions under section 33(4) and section 33(6) of the Bush Fires Act 1954. The expenses incurred for such work is to be recovered from the owner or occupier of the subject private land.

CONDITIONS

1. Appropriate action and investigation need to be made prior to performing hazard reduction work on private property including;
 - a. Completion of a Request Form if work is requested by an owner / occupier;
 - b. Completion of a Prescription Guidelines Form detailing (but not limited to);
 - i. Identification of special circumstances and risks;
 - ii. Formulation of special conditions;
 - iii. Identification of a responsible bush fire control officer or authorised brigade officer; and
 - iv. The costs of the works to be performed.
2. The cost of any works to be undertaken pursuant to section 33(4) must be ascertained and fixed, prior to any work commencing and on a certificate signed by the Shire President.
3. A direction must be given to provide authority to a third party to carry out any works for the removal or abatement of a fire danger on private property, including hazard reduction burning.
4. The payment for cost of the works shall be arranged with the owner / occupier by the Shire and paid to the third party who performs the work.

RECORDING REQUIREMENTS

Request Form and Prescription Guidelines Form to be kept on file.

All evidentiary documents to be retained on file.

ADDED by Res: 161020 / 20 October 2020

Commented [CT41]: Replaced with Delegation 3.1.5.

ANIMAL CONTROL - 0502

CONFISCATED OR UNCOLLECTED GOODS

DELEGATION NUMBER	-	D050201
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Animal Control

The Chief Executive Officer is delegated authority to;

1. Refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. [s.3.46]
2. Take appropriate action in respect to impounded non-perishable goods [s.3.42]
3. Sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s3.43. [s.3.47].
4. Recover expenses incurred for removing, impounding and disposing or confiscated or uncollected goods [s.3.48].
5. Give notice to collect goods if not confiscated [s.3.44].

CONDITIONS

- a) Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Regulation 30 of the Local Government (Function and General) Regulations 1996, be disposed of by any means considered to provide best value, provided the process is transparent and accountable.

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development, Senior Ranger and Ranger

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Refer also Section 474 of the Local Government (Miscellaneous Provisions) Act 1960 regarding sale of impounded cattle.

Evidentiary documentation to be kept on relevant file.

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 20 November 2018 / 071118

Commented [CT42]: Replaced with Delegation 1.2.5.

DOGS – LOCAL LAWS & DOG ACT 1976

DELEGATION NUMBER	-	D050202
LEGISLATIVE POWERS	-	Dog Act 1976, Sections 10AA & 29(1)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Animal Control

The Chief Executive Officer is delegated authority to perform all of the powers/duties of the local government contained within the Dog Act 1976, pursuant to Section 10AA, and the Shire of Denmark Local Laws relating to Dogs including the authorisation to further delegate any of those powers, published in the Government Gazette on the 29th May 2001, with the exception of the following specific powers/duties:

- The setting of any fees or charges.
- The determination of any application for the issue of a licence for an approved kennel establishment as provided for in clauses 4.1 to 4.8.
- The cancellation of a licence as provided for in clauses 4.13 (2) and (c).

The Chief Executive Officer has delegated the following power/duty to the Director Assets and Sustainable Development and the Senior Ranger.

Pursuant to Section 26 (3) of the Dog Act 1976, to approve and/or withdraw or amend applications for up to 6 dogs being kept on properties that are over 10 hectares (25 acres) and zoned rural subject to being satisfied that they are not likely to cause a problem.

Conditions

Approvals for applications:

- will only be made after writing to and considering the views of adjoining or adjacent neighbours;
- will note that such approvals are valid for 12 months at a time and may be revoked at any time;
- are for the dogs specified in the approval; and
- may contain any other conditions as the Officer sees fit.

CURRENT AUTHORISED PERSONS

Pursuant to Section 29(1) of the Dog Act 1976, Council appoints the following persons for the purposes of;

- Section 44 of the Dog Act 1976 (Enforcement Proceedings); and
 - Part 7 of the Shire of Denmark Dogs Local Law (Enforcement).
1. Chief Executive Officer;
 2. Senior Ranger; and
 3. Ranger.

CURRENT REGISTRATION OFFICERS

Pursuant to Section 3 (1) of the Dog Act 1976 Council authorises the following persons:

SECTION 16 AND 12A

1. Chief Executive Officer (Sections 16 and 12A);
2. Senior Ranger (Sections 16 and 12A);
3. Ranger (Sections 16 and 12A);

SECTION 16

1. Tya Hay, Customer Service Officer
2. Carly Martinovich, Customer Service Officer
3. Justine Gamblin, Customer Service Officer
4. Nicky Higgs, Club Development Officer
5. Liz Svendsen, Customer Service Officer
6. Jodi Vitler, Assistant Accountant

7. Cheralynne Clarke, Payroll Officer
8. Lisa Sanders, Executive Support Officer

RECORDING REQUIREMENTS

Section 11 (3) – A person who is authorised shall be issued with a certificate in the prescribed form.

Pursuant to Section 10AB (2), this delegation must be reviewed annually.

Evidentiary documents to be kept on relevant file.

AMENDED by Res: 150515 / 26 May 2015 | AMENDED by Res: 110715 / 7 July 2015 | AMENDED by Res: 071118 / 20 November 2018 | AMENDED by Res: 151120 / 17 November 2020

Commented [CT43]: Replaces with Delegations 5.1.1, 5.1.2, 5.1.3, 5.1.4, 5.1.5 and 5.1.6.

CAT ACT 2011

DELEGATION NUMBER	-	D050203
LEGISLATIVE POWERS	-	Cat Act 2011, Division 2, Section 44, 45
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Animal Control

The Chief Executive Officer is delegated authority to perform all of the powers/duties of the local government contained within the Cat Act 2011.

The Chief Executive Officer in exercising authority under Section 45 of the Cat Act 2011 has delegated this power/duty to the Director Assets and Sustainable Development, the Senior Ranger and Ranger, with the following exceptions;

- Sections 64 and 65;
- Division 5 – Objections and Review; and
- Division 6 – Legal Proceedings.

CURRENT AUTHORISED PERSONS

Pursuant to Section 48 (1) of the Cat Act 2011, the Chief Executive Officer authorises the following persons:

- Director Assets and Sustainable Development;
- Senior Ranger; and
- Ranger.

RECORDING REQUIREMENTS

As required under the Cat Act 2011.

Certificate of Authorisation – pursuant to section 48 (5)

AMENDED by Res: 110715 / 7 July 2015
AMENDED by Res: 071118 / 20 November 2018

Commented [CT44]: Replaced with Delegations 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.6 and 4.2.1

APPOINTMENT OF RANGERS AND POUND KEEPERS

DELEGATION NUMBER	-	D050204
LEGISLATIVE POWERS	-	Local Government (Miscellaneous Provisions) Act 1960
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Animal Control

The Chief Executive Officer is delegated the local government's power under section 449 of the Local Government (Miscellaneous Provisions) Act 1960, to appoint person(s) as rangers or pound keepers.

AUTHORISED RANGERS

Charmaine Shelley
David Lonie
Emma Holliday
William Miller

AUTHORISED POUND KEEPERS

Charmaine Shelley
David Lonie
Emma Holliday
William Miller

CONDITIONS

Only person(s) who are appropriately qualified and trained may be appointed as Authorised Persons.

RECORDING REQUIREMENTS

To be recorded as required under the Act.

Public Notice of appointment or removal of poundkeepers and rangers to be given [s.450].

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 071118 / 20 November 2018

AMENDED by Res: 160520 / 19 May 2020

AMENDED by CEO 16 March 2021 – Added William Miller

Commented [CT45]: Replaced with Delegation 1.2.30

OTHER LAW, ORDER & PUBLIC SAFETY - 0503

CERTAIN THINGS TO BE DONE IN RESPECT OF LAND

DELEGATION NUMBER	-	D050301
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 3.24)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Other Law, Order & Public Safety

The Chief Executive Officer is authorised to give an occupier a notice requiring them to do something to land if it is specified in Schedule 3.1. If the occupier is not the owner, the owner must also be informed.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Evidentiary documents relating to the use of this delegation are to be retained on the relevant property assessment file and recorded in the Shire's records database under ADMIN.9.

AMENDED by Res: 130717 / 18 July 2017

AMENDED by Res: 071118 / 20 November 2018

Commented [CT46]: Authorisation not delegation. Remove from Delegation Register and record in separate Authorisations Register.

Separate recommendation to authorise persons.

POWER OF ENTRY

DELEGATION NUMBER	-	D050302
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Other Law, Order & Public Safety

The Chief Executive Officer is delegated authority to exercise all of the powers and duties of the local government in respect to the powers of entry upon land as contained in Section 3.28 to 3.36 inclusive of the Local Government Act 1995.

Note: These powers of entry may be used for performing any function that a local government has under the Local Government Act 1995.

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Council's Senior Ranger and Ranger.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Where the giving of notice of entry is applicable, and the issue of a warrant is applicable, copies of such notices to be included on the property file.

Where entry is determined to be an emergency, a report is to be prepared at the conclusion of the exercise and submitted to the Chief Executive Officer.

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 071118 / 20 November 2018

Commented [CT47]: Replaced with Delegation 1.2.3

ENFORCEMENT & LEGAL PROCEEDINGS

DELEGATION NUMBER	-	D050305
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42, 9.10, 9.11, 9.13, 9.16, 9.17, 9.19, 9.20 & 9.24)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Other Law, Order & Public Safety

The Chief Executive Officer is delegated authority, under Section 9.10 of the Local Government Act 1995, to appoint persons to be authorised for the purpose of performing specific functions under the Local Government Act 1995, Council's Local Laws, the Road Traffic (Administration) Act 2008, the Criminal Procedure Act 2004 and Building Regulation 70 (2)).

Pursuant to Section 9.17 of the Local Government Act 1995, the Council authorises the Chief Executive Officer to modification of an amount specified in a notice.

Pursuant to Section 9.19 of the Local Government Act 1995, the Council authorises the Chief Executive Officer to extension of time.

Pursuant to Section 9.20 of the Local Government Act 1995, the Council authorises the Chief Executive Officer to withdraw an infringement notice.

CURRENT AUTHORISED PERSONS FOR SECTION 9.10 OF THE LOCAL GOVERNMENT ACT 1995

- Appointment of Authorised Persons.

1. Chief Executive Officer
2. Director Corporate and Community Services
3. Director Assets and Sustainable Development
4. Manager Sustainable Development (with respect to Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Law and the Property Local Law)
5. Senior Ranger (with respect to the Property Local Law & Road Traffic (Administration) Act 2008)
6. Ranger (with respect to the Property Local Law & Road Traffic (Administration) Act 2008)
7. Senior Town Planner (with respect to Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Law)
8. Principal Environmental Health Officer (with respect to Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Law)
9. Principal Building Surveyor (for the purpose of issuing Building Act Infringement Notices, in accordance with the Criminal Procedure Act 2004 and Building Regulation 70 (2))

NOTE: Shire Officers are authorised to approve applications for the Monkey Rock Speed Run Event as per Council Resolution. ADDED by Res: 140619 / 18 June 2019

CURRENT AUTHORISED PERSONS FOR SECTION 9.11 OF THE LOCAL GOVERNMENT ACT 1995

- Demanding Certain Information

1. Chief Executive Officer
2. Director Corporate and Community Services
3. Director Assets and Sustainable Development
4. Manager Sustainable Development
5. Senior Ranger
6. Ranger

CURRENT AUTHORISED PERSONS FOR SECTION 9.13 OF THE LOCAL GOVERNMENT ACT 1995
– Onus of Proof in Vehicle Offences

1. Chief Executive Officer
2. Director Corporate and Community Services
3. Director Assets and Sustainable Development
4. Senior Ranger
5. Ranger

CURRENT AUTHORISED PERSONS FOR SECTIONS 9.16 OF THE LOCAL GOVERNMENT ACT 1995 – Issuing of Infringement Notice

1. Director Corporate and Community Services
2. Director Assets and Sustainable Development
3. Manager Sustainable Development
4. Senior Ranger
5. Ranger
6. Principal Building Surveyor (with respect to the Building Regulations 2012, Regulation 70)
7. Building Surveyor (with respect to the Buildings Regulations 2012, Regulation 70)

CURRENT AUTHORISED PERSONS FOR SECTION 9.24 OF THE LOCAL GOVERNMENT ACT 1995
– Prosecutions, commencing

1. Director Assets and Sustainable Development.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

All appointments to be in writing and copies of such to be included in the Delegations file and in Synergy Records (ADMIN.9).

Certificate of Appointment to be issued to Authorised Persons pursuant to Section 9.10 (2).

Notice in prescribed form pursuant to Section 9.13.

Infringement Notice given to an alleged offender pursuant to Sections 9.16 & 9.17.

Withdrawal of Infringement Notice pursuant to Section 9.20.

Evidentiary documents detailing use of delegation to be retained on appropriate file(s).

Delegation D120401 relates to delegation under the Road Traffic (Administration) Act 2008.

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 130717 / 18 July 2017

Commented [CT48]: Delete. The Act was amended in 2016 and 2019 to change the power to appoint authorisation persons from Council to the CEO.

Appointments and authorisations to be recorded in separate authorisations register.

CONTROL OF VEHICLES (OFF-ROAD AREAS) ACT 1978 – AUTHORISED OFFICERS

DELEGATION NUMBER	-	D050306
LEGISLATIVE POWERS	-	Control of Vehicles (Off-Road Areas) Act 1978 (Section 38 (3))
AUTHORISED OFFICERS	-	Chief Executive Officer - Director Corporate and Community Services - Director Assets and Sustainable Development - Senior Ranger - Ranger - Community Emergency Services Manager
ACTIVITY	-	Other Law, Order & Public Safety

A local government may by resolution appoint –

1. Any employee of the local government; and
2. Where the Minister by notice published in the *Government Gazette* authorises the local government to do so, any member of the Council of that local government.

to be an authorised officer for the purposes of the Act either in respect of the whole of its district or any part thereof defined in the appointment.

The Council authorises the following persons pursuant to Section 38 (3) of the Control of Vehicles (Off-Road Areas) Act 1978 with respect to the whole Shire;

- Chief Executive Officer
- Director Corporate and Community Services
- Director Assets and Sustainable Development
- Senior Ranger
- Ranger
- Community Emergency Services Manager

RECORDING REQUIREMENTS

Authorised Person to be issued with a Certificate in the prescribed form, pursuant to Section 38 (4) (d) of the Act.

Recording requirements pursuant to the Act.

ADDED by Res: 110715 / 7 July 2015

AMENDED by Res: 20 November 2018 / 071118

Commented [CT49]: Delete. Power to appoint amended in 2019 to now come under s.9.10 of the Local Government Act.
CEO has the power to appoint.
Record in separate Authorisations register.

FINES, PENALTIES AND INFRINGEMENT NOTICES ENFORCEMENT ACT 1994 – APPOINTMENT OF PROSECUTION OFFICERS

DELEGATION NUMBER	-	D050308
LEGISLATIVE POWERS	-	Fines, Penalties and Infringement Notices Enforcement Act 1994 (Section 13)
AUTHORISED OFFICERS	-	David Schober, Acting Chief Executive Officer Lee Sounness, Acting Director Corporate and Community Services David King, Director Assets and Sustainable Development Scott Medhurst, Community Emergency Services Manager Graham Blackmore, Principal Building Surveyor Robert Ohle, Principal Environmental Health Officer Charmaine Shelley, Senior Ranger David Lonie, Ranger Emma Holliday, Ranger
ACTIVITY	-	Other Law, Order & Public Safety

1. For the purposes of this Part, the Registrar may approve a prosecuting authority as a prosecuting authority to which this Part applies.
2. The Registrar is not to approve a prosecuting authority unless the authority gives the Registrar written notice of those officers of the authority that are designated as prosecuting officers for the purposes of and in accordance with Sections 16 & 22.
3. A prosecuting authority at any time may amend the written notice of designated prosecuting officers.

The Chief Executive Officer is authorised the power to provide written notice to the Registrar designating those officers that are prosecution officers for the purposes of sections 16 and 22 of the Fines, Penalties and Infringement Notices Enforcement Act 1994.

CURRENT PERSONS DESIGNATED AS PROSECUTING OFFICERS BY THE CEO

- David Schober, Acting Chief Executive Officer
- Lee Sounness, Acting Director Corporate and Community Services
- David King, Director Assets and Sustainable Development
- Craig Pursey, Manager Sustainable Development
- Lee Shelley, Acting Community Emergency Services Manager
- Graham Blackmore, Principal Building Surveyor
- Robert Ohle, Principal Environmental Health Officer
- Charmaine Shelley, Senior Ranger
- David Lonie, Ranger
- Emma Holliday, Ranger
- William Miller, Ranger

ENQUIRY OFFICERS

- Cheralynne Clarke, Senior Customer Service Officer
- Kelly Schroeter, Finance Officer Creditors

RECORDING REQUIREMENTS

Appointment to be in writing and a copy kept on the Officers personnel file.

Appropriate evidentiary documents detailing the exercising of the authorisation are to be recorded on the appropriate file.

ADDED by Res: 110715 / 7 July 2015 | AMENDED by Res: 130717 / 18 July 2017 | AMENDED by Res: 20 November 2018 / 071118 | AMENDED by Res: 151120 / 17 November 2020

HEALTH - 07

MATERNAL & INFANT HEALTH -0701

PREVENTATIVE SERVICES - IMMUNISATION - 0702

PREVENTATIVE SERVICES - MEAT INSPECTION - 0703

PREVENTATIVE SERVICES - HEALTH ADMINISTRATION - 0704

Commented [CT50]: Delete. This is not a delegation. Executive function of the CEO under s5.41 of the Local Government Act 1995.

Record in separate appointments register.

ITINERANT FOOD VENDORS & TRADING IN PUBLIC PLACES PERMITS

DELEGATION NUMBER	-	D070402
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Preventative Services - Health Administration

STALLHOLDERS AND TRADERS

The Chief Executive Officer is delegated authority to issue and renew Stallholder and Traders Permits pursuant to the Shire of Denmark Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Law.

Council will establish an annual permit fee when it prepares its annual budget and a pro-rata fee must be applied for any permits issued for a period less than 12 months.

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated the power/duties;

*Director Assets and Sustainable Development;
Principal Environmental Health Officer (Stallholder Permits only)
Environmental Health Officer (Stallholder Permits only);
Manager Sustainable Development; and
Senior Town Planner (Trader Permits only).*

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Itinerant Food Vendor's Permit Application Form and Permit.

Note: Delegation D100602 and Policy D070404 relate.

AMENDED by Res: 090615 / 16 June 2015

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 070915 / 8 September 2015

AMENDED by Res: 130717 / 18 July 2017

AMENDED by Res: 071118 / 20 November 2018

Commented [CT51]: Replaced with Delegation 1.4.1.

HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911 – APPOINTMENT OF AUTHORISED PERSONS & HEALTH LOCAL LAW

DELEGATION NUMBER	-	D070406
LEGISLATIVE POWERS	-	Health (Miscellaneous Provisions) Act 1911 (Section 26) Shire of Denmark Health Local Laws 1998
DELEGATES AND AUTHORISED PERSONS	-	Chief Executive Officer Principal Environmental Health Officer Environmental Health Officer
ACTIVITY	-	Preventative Services - Health Administration

The Chief Executive Officer and the Environmental Health Officer are delegated all the powers and functions of the Shire under the Health Local Law.

The Chief Executive Officer and the Environmental Health Officer are appointed as Authorised Persons under the Health Local Law.

The Chief Executive Officer and the Environmental Health Officer are appointed to be the Shire's deputies for the purpose of discharging its powers and functions as a local government under the Health (Miscellaneous Provisions) Act 1911 and all Regulations made under the Health (Miscellaneous Provisions) Act 1911 (except the power to commence legal action which is delegated solely to the Chief Executive Officer).

RECORDING REQUIREMENTS

Evidentiary records to be kept on relevant records file.

ADDED by Res: 110715 / 7 July 2015

AMENDED by Res: 130717 / 18 July 2017

AMENDED by Res: 071118 / 20 November 2018

Commented [CT52]: Delete. This is an authorisation under s.26 not a delegation.

To be recorded in a separate authorisations register.

Separate recommendation to appoint and authorise persons to be the local government's deputy.

PUBLIC HEALTH ACT 2016 – ENVIRONMENTAL HEALTH OFFICER APPOINTMENTS, ENFORCEMENT AND AUTHORISED OFFICERS

- DELEGATION NUMBER - **D070407**
- LEGISLATIVE POWERS - Public Health Act 2016 (Section 21)
- APPOINTEES - Chief Executive Officer
- Principal Environmental Health Officer
- ACTIVITY - Preventative Services - Health Administration

ENVIRONMENTAL HEALTH OFFICER APPOINTMENT

The Chief Executive Officer is delegated authority to appoint suitably qualified Environmental Health Officers, pursuant to Section 17 of the Public Health Act 2016.

CURRENT APPOINTED ENVIRONMENTAL HEALTH OFFICERS

Approved Qualifications and Experience for Appointments as determined by the Chief Health Officer and Gazetted 24 January 2017.

Appointee	Qualifications and Experience
Robert Ohle	<ul style="list-style-type: none"> - Approved by the WA Environmental Health Officers Professional Review Board – 19 April 2011. - Approved by the Chief Health Officer by Government Gazette 15 January 2013 (deemed to have been designated under 2016 Act pursuant to Section 312 of the Public Health Act 2016).
Judith Caldwell	<ul style="list-style-type: none"> - Bachelor of Science (Environmental Health) – Curtin University Western Australia

Commented [CT53]: Appointment and employment of Environmental Health Officer is the responsibility of the CEO.
Reporting requirement (s.22) replaced with Delegation 8.1.1.
Authority to designate officers (s.24) – replaced with Delegation 8.1.2.

RECORDING REQUIREMENTS

Evidentiary documents to be retained in appointees Personnel File.

ENFORCEMENT

The Chief Executive Officer is delegated all the powers and duties conferred or imposed on the Council under the Public Health Act 2016 with respect to being an enforcement agency, pursuant to Section 21 of the Public Health Act 2016.

Commented [CT54]: s.21 is the power of delegation to delegate to the CEO the power to designate under s.24.

RECORDING REQUIREMENTS

Delegation must be in writing.
Reporting to Chief Health Officer - pursuant to s.22 of the Public Health Act 2016.

Commented [CT55]: Replaced with Delegation 8.1.1.

AUTHORISED OFFICERS

The Chief Executive Officer is delegated authority to designate authorised officers pursuant to Section 24 of the Public Health Act 2016, subject to conditions under Section 25 of the Public Health Act 2016.

CURRENT AUTHORISED OFFICERS

Principal Environmental Health Officer
Environmental Health Officer

Commented [CT56]: Replaced with Delegation 8.1.2.

RECORDING REQUIREMENTS

Section 27 – List of designated authorised officers or class of authorised officers must be maintained.
Section 30 – Certificates of authority, in the format prescribed under the Public Health Act 2016, must be issued to each person who is designated authorised officer.

ADDED by Res: 130717 / 18 July 2017
AMENDED by Res: 071118 / 20 November 2018
Judith Caldwell ADDED by Chief Executive Officer 30 March 2021

FOOD ACT 2008 – AUTHORISED OFFICERS, PROHIBITION ORDERS AND REGISTRATIONS

- DELEGATION NUMBER - **D070408**
- LEGISLATIVE POWERS
 - Public Health Act 2016 (Section 24)
 - Food Act 2008 (Section 118)
- AUTHORISED OFFICERS
 - Principal Environmental Health Officer
 - Environmental Health Officer
- ACTIVITY
 - Preventative Services - Health Administration

AUTHORISED OFFICERS

Pursuant to Section 24 of the Public Health Act 2016, Council designates the Environmental Health Officer as an Authorised Officer for the purposes of the Food Act 2008.

Commented [CT57]: Not applicable. Appointments made in accordance with s.122(1) of the Food Act.

RECORDING REQUIREMENTS

Section 122 – Local Government must retain a list of authorised officers.
Section 123 – Authorised Officers must be provided with a certificate of authority in a format prescribed under Section 123 (2).

PROHIBITION ORDERS

Pursuant to Section 118 of the Food Act 2008, the Council delegates to the Environmental Health Officer the local government functions under Section 65, 66 and 67 of the Food Act 2008, with respect to Prohibition Orders, Certificates of Clearance and Requests for Re-Inspection.

RECORDING REQUIREMENTS

Evidentiary documents to be retained on appropriate record files.

Commented [CT58]: Replaced with Delegation 6.1.1.

REGISTRATIONS

Pursuant to Section 118 of the Food Act 2008, the Council delegates to the Environmental Health Officer the local government functions under Section 110 & 112 of the Food Act 2008, with respect to Registration of Food Businesses.

Commented [CT59]: Replaced with Delegation 6.1.2.

RECORDING REQUIREMENTS

Evidentiary documents to be retained on appropriate record files.
Certificate of Authority must be issued and contain the information set out in Section 123 (2).

ADDED by Res: 130717 / 18 July 2017
AMENDED by Res: 071118 / 20 November 2018

- PREVENTATIVE SERVICES - PEST CONTROL - 0705**
- PREVENTATIVE SERVICES - OTHER - 0706**
- OTHER HEALTH - 0707**

EDUCATION & WELFARE - 08

PRE-SCHOOLS - 0801

OTHER EDUCATION - 0802

CARE OF FAMILIES & CHILDREN - 0803

AGED & DISABLED - SENIOR CITIZENS CENTRES - 0804

AGED & DISABLED - MEALS ON WHEELS - 0805

AGED & DISABLED - OTHER - 0806

OTHER WELFARE - 0807

HOUSING - 09

STAFF HOUSING - 0901

HOUSING - OTHER 0902

COMMUNITY AMENITIES - 10

SANITATION - HOUSEHOLD - 1001

SANITATION - OTHER - 1002

INSTALLATION & REMOVAL OF RUBBISH BINS

DELEGATION NUMBER	-	D100201
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Sanitation - Other

The Chief Executive Officer is delegated authority to consider and have installed or removed rubbish bins at Council controlled public locations subject to such installation and ongoing collection having minimal impact on Council's Budget and operations.

The Chief Executive Officer may on delegate this responsibility.

The Chief Executive Officer in exercising general authority under Section 5.44 of the Local Government Act 1995 has authorised this power/duty to the Director Assets and Sustainable Development.

RECORDING REQUIREMENTS

Advice of the decision is to be recorded on the relevant Reserve or Assessment file.

ADDED by Res: 130109 / 27 January 2009

AMENDED by Res: 130717 / 18 July 2017

AMENDED by Res: 071118 / 20 November 2018

Commented [CT60]: Delete. No statutory power relates that can be delegated. This is operational and s.5.41 of the Local Government Act (functions of CEO).

REFUSE SITE CHARGES – FREE DISPOSAL FOR NOT-FOR-PROFIT COMMUNITY GROUPS

DELEGATION NUMBER	-	D100202
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Sanitation - Other

The Chief Executive Officer is delegated authority to allow free refuse disposal to not-for-profit community groups at Council's Refuse Facilities.

The Chief Executive Officer may on delegate this responsibility.

RECORDING REQUIREMENTS

Advice of the decision is to be recorded on the relevant Community Group's Assessment File and in the relevant Refuse Site Assessment File.

A record of the community groups approval, the frequency of use and the refuse quantity is to be recorded in a Register.

Groups currently approved;

- a) Denmark Red Cross – 4 refuse disposal passes per year.
- b) Denmark Lions Club – 4 refuse disposal passes per year.
- c) Denmark Historical Society – 4 refuse disposal passes per year.
- d) Denmark Community Collective – 4 refuse disposal passes per year.
- e) Denmark Weed Action Group – 4 refuse disposal passes per year, however if the refuse / green waste emanates from a Council property and is removed to the landfill / green waste facility for or on behalf of Council, then additional passes may be considered.

Note also that the Council's annual Budget provides that domestic quantities of green waste are able to be disposed of at Council's Landfill and Recycling Centres free of charge, such that the need for issuing disposal passes to the Denmark Lions Club and the Denmark Weed Action Group, in particular, with respect to green waste is no longer required.

ADDED by Res: 284/96 / 25 June 1996

AMENDED by Res: 130717 / 18 July 2017

AMENDED by Res: 071118 / 20 November 2018

Commented [CT61]: Delete. To perform this function is a "waiver" under s.6.12. See Delegation 1.2.20.

There are no guidelines as to how not for profit community groups are to be defined in order be provided with free refuse disposal.

WALGA have suggested that this be considered as a policy position or the CEO could determine a waiver under Delegation 1.2.20. alternatively, Council determine when adopting the annual budget.

LITTER ACT 1979 – AUTHORISED OFFICERS

DELEGATION NUMBER	-	D100203
LEGISLATIVE POWERS	-	Litter Act 1979 (Section 26, 27, 27A & 30)
AUTHORISED PERSONS	-	All members of the Council All employees of the local government
ACTIVITY	-	Sanitation - Other

Pursuant to Section 26 (3);

A person holding office as an authorised officer by virtue of subsection (1)(c) —

- a. has within the district in respect of which he holds office the duties of and powers of an authorised officer under the Act, and may exercise those powers within that district;
- b. may exercise the powers conferred on him by the Act in relation to any person whom he has reason to believe is concerned in a contravention of the Act notwithstanding that such person is not then within the district in respect of which he holds office if that person was pursued from that district or is known to have been in that district at the time of the contravention.

Section 26 (1) (c) of the Litter Act 1979 appoints all members of the Council and all employees of the local government as authorised officers.

Persons to whom the authorisation applies

1. All Elected Members
2. All Shire of Denmark Employees
3. An Honorary Inspector appointed by a local government under Section 27AA.

RECORDING REQUIREMENTS

Pursuant to Section 26 (4) (c) an authorised officer shall be issued with a certificate of appointment in the prescribed form (see Litter Regulations 1981).

In a relevant file and in accordance with Act.

ADDED by Res: 110715 / 7 July 2015
AMENDED by Res: 151120 / 17 November 2020

Commented [CT62]: Delete. Not a delegation. The function comes directly from the Act to Council Members and local government employees.

To be recorded in a separate authorisations register.

LITTER ACT 1979 – WITHDRAWAL OF INFRINGEMENT NOTICES

DELEGATION NUMBER	-	D100205
LEGISLATIVE POWERS	-	Litter Act 1979 (Section 30 (4a))
APPOINTEE	-	Chief Executive Officer
ACTIVITY	-	Sanitation - Other

Pursuant to Section 30 (4a) the Council appoints the Chief Executive Officer to withdraw infringement notices issued under, Section 30 of the Act.

RECORDING REQUIREMENTS

Notice must be in the prescribed form and recorded in the relevant file on central records.

ADDED by Res: 110715 / 7 July 2015

AMENDED by Res: 151120 / 17 November 2020

Commented [CT63]: Delete. Not a delegation. The function comes directly from the Act to Council Members and local government employees.

To be recorded in a separate authorisations register.

SEWERAGE - 1003

URBAN STORMWATER DRAINAGE – 1004

PROTECTION OF ENVIRONMENT - 1005

IRWIN INLET SANDBAR OPENING PROTOCOL

DELEGATION NUMBER	-	D100501
LEGISLATIVE POWERS	-	Nil
AUTHORISED PERSON	-	Chief Executive Officer
ACTIVITY	-	Protection of the Environment

The Chief Executive Officer is authorised to determine the location and level for the opening of the Irwin Inlet sandbar. The delegation is to be exercised in accordance with the adopted sandbar opening protocol.

The Shire Chief Executive Officer advises the relevant agencies and stakeholders when the water level reaches the absolute minimum opening water level of 0.440mm.

Any relevant information from stakeholders shall be considered when deciding opening location and water level, with the final decision being delegated to the Chief Executive Officer.

Relevant Agencies & Stakeholders

Agency / Stakeholder	Email	Phone
Department of Water & Environmental Regulation	southcoast@water.wa.gov.au	9841 0122
Department of Biodiversity Conservation and Attractions Recreation & Trails Unit	recreationandtrails@dbca.wa.gov.au	9334 0265
Department of Biodiversity Conservation and Attractions – Frankland District Office	Frankland.District@dbca.wa.gov.au	9840 0400
Department of Primary Industries and Regional Development.	Robert.Boqumil@dpird.wa.gov.au	0427 216 800
Commercial Fishermen – by contacting the President of the South Coast Licensed Fisherman's Association Inc.	Contact Fisheries Deb Sharp Email: debsharp1@hotmail.com	0428 448 159 0447 788 222
Affected Landholder (current owner of A5164)	Refer A5164 in Council records for contact details.	
The Bibbulmun Track Foundation	friends@bibbulmuntrack.org.au	9481 0551
Denmark Visitors Centre (The Amazing South Coast)	eo@theamazingssouthcoast.com.au	9848 2055
Walpole Nornalup Visitors Centre	info@walpole.com.au	9840 1111
Peaceful Bay Progress Association Inc.	secretary@peacefulbayprogress.org.au	0409 446 993
Peaceful Bay Commercial Fishermen	r.k.phillips@westnet.com.au	

The Chief Executive Officer may authorise other Officers.

RECORDING REQUIREMENTS

Advice of decision is to be recorded on central records. Refer to Council Policy P100513. Opening Protocol - see File GOV.52.B

ADDED by Res: 363/07 & 364/07 / 16 October 2007

AMENDED by Res: 290212 / 28 February 2012

AMENDED by Res: 071118 / 20 November 2018

Commented [CT64]: Delete. No statutory power that is able to be delegated.

Suggest include CEO decision making authority in the Council's Policy that relates.

WILSON INLET SANDBAR OPENING PROTOCOL

DELEGATION NUMBER	-	D100502
LEGISLATIVE POWERS	-	Nil
AUTHORISED PERSON	-	Chief Executive Officer
ACTIVITY	-	Protection of the Environment

The Chief Executive Officer is authorised to implement the actions required of Council in the Wilson Inlet Sandbar Opening Protocol, as adopted, amended and endorsed from time to time by the Department of Water & Environmental Regulation, the Water Corporation and Council.

The Chief Executive Officer may authorise other Officers.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Refer to Council Policy P100515.

Opening Protocol (revised June 2009) - see File GOV.52B

ADDED by Res: 200108 / 22 January 08

AMENDED by Res: 071118 / 20 November 2018

Commented [CT65]: Delete. No statutory power that is able to be delegated.
Suggest include CEO decision making authority in the Council's Policy that relates.

POLLUTION ABATEMENT

DELEGATION NUMBER	-	D100503
LEGISLATIVE POWERS	-	Environmental Protection Act 1986 (Section 65 (1))
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Protection of the Environment

The Chief Executive Officer of the Department of Water & Environment Regulation responsible for the administration of the Environmental Protection Act 1986 ("the Act"), and pursuant to section 20 of the Act, 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 who 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.

(Published in the Government Gazette 19 March 2004, Delegation No. 52)

RECORDING REQUIREMENTS

Complaint & action recorded on the relevant assessment file.

AMENDED by Res: 110715 / 7 July 2015

Commented [CT66]: State Government delegation. No Council discretion.
Replaced with Delegation 10.1.1.

NOISE MANAGEMENT PLANS

DELEGATION NUMBER	-	D100504
LEGISLATIVE POWERS	-	Environmental Protection Act 1986 Environmental Protection (Noise) Regulations 1997, Regulation 13
DELEGATE	-	Chief Executive Officer Principal Environmental Health Officer
ACTIVITY	-	Protection of the Environment

Powers and duties delegated

The Chief Executive Officer of the Department of Water & Environment Regulation responsible for the administration of the Environmental Protection Act 1986 ("the Act"), and pursuant to section 20 of the Act, hereby delegate all my powers and duties in relation to noise management plans under Regulation 13 of the Environmental Protection (Noise) Regulations 1997.

Persons to whom the delegation applies

This delegation applies to the holder for the time being of the offices of-

- (1) Chief Executive Officer under the Local Government Act 1995,
- (2) Director, Environmental Regulation Division, Department of Water & Environment Regulation,
- (3) Manger, Noise Regulation Branch, Environmental Regulation Division, Department of Environment Regulation,
- (4) Principal Environmental Officer, Noise Regulation Branch, Environmental Regulation Division, Department of Water & Environment Regulation,

and to any employee of a local government under the Local Government Act 1995 who is appointed as an Authorised Person under section 87 of the Act.

(Published in the Government Gazette 16 May 2014, Delegation No.119)

CURRENT AUTHORISED PERSONS

Nil

RECORDING REQUIREMENTS

Complaint & action recorded on the relevant assessment file.

AMENDED by Res: 110715 / 7 July 2015

Commented [CT67]: State Government delegation. No Council discretion.

Replaced with Delegation 10.1.3.

PARRY INLET SANDBAR OPENING PROTOCOL

DELEGATION NUMBER	-	D100505
LEGISLATIVE POWERS	-	Nil
AUTHORISED PERSON	-	Chief Executive Officer
ACTIVITY	-	Protection of the Environment

The Chief Executive Officer is authorised to determine the location and level for the opening of the Parry Inlet sandbar. The delegation is to be exercised in accordance with the adopted sandbar opening protocol.

The Shire Chief Executive officer advises the relevant agencies and stakeholders when the water level reaches the absolute minimum opening water level of 1.0m AHD.

Any relevant information from stakeholders shall be considered when deciding opening location and water level, with the final decision being delegated to the Shire Chief Executive Officer.

Relevant Agencies & Stakeholders

Agency / Stakeholder	Email	Phone
Department of Water & Environmental Regulation	Brett.WARD@water.wa.gov.au karen.mckeough@water.wa.gov.au	9841 0122
Department of Biodiversity Conservation and Attraction's Recreation & Trails Unit	recreationandtrails@dbca.wa.gov.au	9334 0265
Department of Biodiversity Conservation and Attraction's – Frankland District Office	Frankland.District@dbca.wa.gov.au	9840 0400
Department of Primary Industries & Regional Development	Robert.Boqumil@dpird.wa.gov.au	0427 216 800
Parry's Beach Voluntary Management Group	Belinda.dufall@agric.wa.gov.au	0427 850 770
Commercial Fishermen – by contacting the President of the South Coast Licensed Fisherman's Association Inc.	Contact Fisheries Deb Sharp Email: debsharp1@hotmail.com	0428 448 159 0447 788 222
Current leaseholder of portion of Reserve 20928 (L Pinniger)	Refer Council records for contact details (A2678)	
The Bibbulmun Track Foundation	friends@bibbulmuntrack.org.au	9481 0551
Denmark Visitors Centre	ceo@denmark.com.au	9848 2055
Walpole Nornalup Visitors Centre	info@walpole.com.au	9840 1111

The Chief Executive Officer may authorise other Officers.

RECORDING REQUIREMENTS

Advice of decision is to be recorded on central records. Refer to Council Policy P100514.

Section 5.46 (3) – Local Government (Administration) Regulation No. 19

ADDED by Res: 040114 / 21 January 2014

AMENDED by Res: 071118 / 20 November 2018

Commented [CT68]: Delete. No statutory power that is able to be delegated.

Suggest include CEO decision making authority in the Council's Policy that relates.

NOISE MANAGEMENT PLANS

DELEGATION NUMBER	-	D100506
LEGISLATIVE POWERS	-	Environmental Protection Act 1986 Environmental Protection (Noise) Regulations 1997
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Protection of the Environment

The Chief Executive Officer of the Department of Water & Environment Regulation responsible for the administration of the Environmental Protection Act 1986 ("the Act"), and pursuant to section 20 of the Act, hereby delegates as follows;

Powers and duties delegated –

The powers and duties under the Environmental Protection (Noise) Regulations 1997, other than this power of delegation, in relation to –

1. waste collection and other works – noise management plans relating to specified works under regulations 14A & 14B;
2. 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);
3. community activities – noise control notices in respect of community noise under regulation 16;
4. motor sport venues – noise management plans in relation to motor sport venues under Part 2 Division 3;
5. shooting venues – noise management plans in relation to shooting venues under Part 2 Division 4;
6. calibration results – requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;
7. 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 –
 1. Subregulation 18(13)(b) is not delegated.

(Published in the Government Gazette 20 December 2013, Delegation No. 112)

RECORDING REQUIREMENTS

Complaint & action recorded on the relevant assessment file.

ADDED by Res: 110715 / 7 July 2015

Commented [CT69]: State Government delegation. No Council discretion.

Replaced with Delegation 10.1.2.

AUTHORISED PERSON AND INSPECTOR – ENVIRONMENTAL PROTECTION ACT 1986

DELEGATION NUMBER	-	D100507
LEGISLATIVE POWERS	-	Environmental Protection Act 1986 (section 87 and 88)
DELEGATE	-	Robert Ohle, Principal Environmental Health Officer
ACTIVITY	-	Protection of the Environment

Robert Ohle has been appointed as an Authorised Person and Inspector under section 87 and 88 of the Environmental Protection Act 1986 (EP Act), by the CEO of the Department, effective from 10 June 2016.

The authority to exercise the power and perform the functions of an Authorised Person and Inspector are subject to the following limitations;

- The duration of their employment with the Shire of Denmark;
- The geographical jurisdiction of the Shire of Denmark including cross-jurisdictional arrangements endorsed by the Shire of Denmark;
- The performance of duties within the designated hours of duty; and
- To those premises and activities that do not hold registration, works approval or licence under the EP Act.

The powers entitled to be exercised by the Authorised Person are identified in sections 79(2)(b), 81(1)(a)-(b), 81(4), 81A(1), 82(1)(a)-(b) and 114(1b) of the EP Act.

The powers entitled to be exercised by the Inspector are identified in sections 88(1), 89(1)(a)(b)(c), 80(1b)(a), 91(1), 92(2), 92A and 99J of the EP Act.

The appointments will be revoked should the officer;

- Leave employment with the Shire of Denmark; or
- Exercise the powers appointment to them inappropriately; or
- Exercise the powers appointed outside the administrative limitations specified above.

(Letters of appointment received 21 June 2016 – Electronic Record No. ICR16640306)

RECORDING REQUIREMENTS

Action recorded on the relevant assessment file and as required by the EP Act.

Pursuant to Section 87 (2) and Section 88 (3) the CEO shall cause to be issued to each authorised person an authority in writing signed by the CEO of the Department and bearing a photograph of that authorised officer.

Commented [CT70]: Delete. Not delegation.
Appointed by the CEO of the Department.
To be recorded in separate Authorisations Register.

TOWN PLANNING & REGIONAL DEVELOPMENT - 1006

TOWN PLANNING SCHEME

DELEGATION NUMBER	-	D100601
LEGISLATIVE POWERS	-	Planning & Development (Local Planning Schemes) Regulations 2015 – Schedule 2, Part 10
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Town Planning & Regional Development

The Chief Executive Officer (CEO) has delegated authority to exercise all duties and powers, in accordance with Regulation 82 of the Planning & Development (Local Planning Schemes) Regulations 2015

CONDITIONS

- 1. General**

Any two or more Councillors may consider an application or proposal to be of strategic significant and/or high community interest and request the CEO in writing, to present the application or proposal to the Council for consideration. If the request is supported, the application shall be presented to the first practicable Council meeting for consideration.
- 2. Reconsideration of applications for development approval**

Prior to the determination of an application for reconsideration of an application for development approval (other than where a reconsideration is occurring pursuant to section 31 of the State Administrative Tribunal Act 2004 – see below), the CEO shall ensure that a copy of the reconsideration request, together with a report assessing the application, is circulated to all Councillors, giving a period of not less than 14 days before a delegated decision is made.

This condition relates to applications to amend or renew an approval where reconsideration of conditions is being requested and also to new applications which are substantially the same as an earlier application refused under delegation.
- 3. Applications for review by the State Administrative Tribunal**

Decisions relation to a reconsideration decision pursuant to section 31 of the State Administrative Tribunal Act 2004 are not delegated.
- 4. Structure Plans, Activity Centre Plans, Local Developer Plans, Developer Contribution Plans, Local Planning Policies, Local Heritage List, Heritage Precincts.**

Decisions relation to adoption of Structure Plans, Local Developer Plans, Developer Contribution Plans, Local Planning Policies, Local Heritage List and/or Heritage Precincts are not delegated.

The Chief Executive Officer in exercising authority under Regulation 83 of the Planning & Development (Local Planning Schemes) Regulations 2015 has delegated all of the powers and duties under Delegation D100601 to the Director Assets and Sustainable Development and the Manager Sustainable Development.

The Chief Executive Officer in exercising authority under Regulation 83 of the Planning & Development (Local Planning Schemes) Regulations 2015 has delegated the following to the Senior Town Planner and Town Planner;

Determine a development application, having regard to listed matters in cl.67 and where it is consistent with the requirements of Town Planning Scheme No.3, adopted Local Planning Policies and the Deemed Provisions of the Residential Design Codes of WA, to approve or approve with conditions, but excluding where:

- a) Objections from advertising/referral are received.*

- b) *Development involving a listed building/place on the Shire of Denmark Heritage List or an item listed on the State Heritage Register.*
- c) *Development on Scheme Reserves and Crown land.*
- d) *Determine and process 'Use Not Listed' application (as per clause 3.2.5 of TPS No.3)*
- e) *Development with in a declared Bushfire Prone area where a building construction requirement would be greater than BAL - 29 (AS 3959 – 2009).*

AUTHORISED PERSONS

Pursuant to Regulation 79 of the Planning & Development (Local Planning Schemes) Regulations 2015, the Chief Executive Officer designates the following persons as authorised officers for the purpose of monitoring whether the local planning scheme is being complied with, at any reasonable time with any assistance reasonably required, by entering any building or land in the Scheme area and inspecting the building or land and anything in or on the building or land;

1. Chief Executive Officer
2. Director Assets and Sustainable Development
3. Principal Building Surveyor
4. Principal Environmental Health Officer
5. Manager Sustainable Development
6. Senior Town Planner
7. Town Planner
8. Sustainability Officer
9. Senior Ranger
10. Ranger

RECORDING REQUIREMENTS

Records to be kept in accordance with the Shire's Record Keeping Plan and the State Record Keeping Act.

Identification Cards to be issued to authorised officers.

AMENDED by Res: 130115 / 20 January 2015
AMENDED by Res: 110715 / 7 July 2015
AMENDED by Res: 130717 / 18 July 2017
AMENDED by Res: 271119 / 19 November 2019

Commented [CT71]: Replaced with 9.2.1.

Authorised persons to be recorded in separate authorisations register.

LOCAL LAW - ACTIVITIES ON THOROUGHFARES & TRADING IN THOROUGHFARES & PUBLIC PLACES

DELEGATION NUMBER	-	D100602
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATES	-	Delegates listed for the purposes of s.9.10 of the Local Government Act 1995, as per Delegation D050305
ACTIVITY	-	Town Planning & Regional Development

The Delegates authorised for the purposes of Section 9.10 of the Local Government Act 1995 and listed under Delegation D050305, are delegated authority to exercise all of the powers/duties of the local government contained within the Local Law relating to Activities on Thoroughfares and Trading in Thoroughfares and Public Places, with the following exceptions / conditions:

- a) The setting of any fees or charges.
- b) The declaration of a thoroughfare to be a flora road (refer clause 5.3).
- c) The designation of a thoroughfare or any part of a thoroughfare as a special environmental area (refer clause 5.7).
- d) The power to exempt a person or a class of persons, whether or not in relation to a specified public place, from the requirements of Division 1 (Stallholders and Traders) or Part 6 (refer clause 6.7(3)).
- e) Where a clause of the local law refers to conditions that may be imposed on a permit or which are to be taken as being imposed on a permit, the clause does not limit the delegated power to impose other conditions on the permit.
- f) Where a clause of the local law refers to grounds on which an application for a permit may be or is refused, the clause does not limit the delegated power to refuse the application for a permit on other grounds.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Applications, permits, correspondence on property files.

Note: Delegation D070402 also relates.

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 071118 / 20 November 2018

Commented [CT72]: Replaced with Delegation 1.4.1

TOWN PLANNING SCHEME COMPLIANCE

DELEGATION NUMBER	-	D100603
LEGISLATIVE POWERS	-	Planning & Development Act 2005 (Section 214 (2), (3), (5) and 234) Local Government Act 1995 (Section 5.42)
AUTHORISED OFFICER	-	Chief Executive Officer
ACTIVITY	-	Town Planning & Regional Development

The Chief Executive Officer is delegated authority to give written direction regarding unauthorised development pursuant to Section 214 (2), (3) and (5) of the Planning & Development Act 2005.

The Chief Executive Officer pursuant to the Planning & Development Act 2005, Section 234 is authorised to appoint persons or classes of persons to be designated persons for the following sections of the Act:

CURRENT DESIGNATED PERSONS – SECTION 228

For the purpose of giving of Infringement Notices:

1. Chief Executive Officer
2. Director Assets and Sustainable Development
3. Manager Sustainable Development.

CURRENT DESIGNATED PERSONS – SECTION 229

For the purpose of receiving payment for infringements:

1. Chief Executive Officer
2. Director Assets and Sustainable Development
3. Manager Sustainable Development
4. Customer Services Officers (Sustainable Development).

CURRENT DESIGNATED PERSONS – SECTION 230

For granting an extension of time for the payment of infringements:

1. Chief Executive Officer
2. Director Corporate and Community Services
3. Manager Sustainable Development

CURRENT DESIGNATED PERSONS – SECTION 231

For the withdrawal of infringement notices:

1. Chief Executive Officer
2. Director Corporate and Community Services

RECORDING REQUIREMENTS

Any action under this delegation or appointments must be in writing and be retained in the relevant assessment file.

A copy of the infringement notice must be retained in the relevant assessment file and copied to the Finance & Administration Directorate for Sundry Debtor Control.

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 130717 / 18 July 2017

Commented [CT73]: Replaced with Delegation 9.1.1.

Authorised persons to be recorded in separate authorisations register.

DEVELOPMENT ASSESSMENT PANEL

DELEGATION NUMBER	-	D100604
LEGISLATIVE POWERS	-	Planning & Development Act 2005; and
	-	Planning & Development (Development Assessment Panels Regulations 2011, Regulation 12
AUTHORISED OFFICERS	-	Chief Executive Officer
	-	Director Assets and Sustainable Development
ACTIVITY	-	Town Planning & Regional Development

The Chief Executive Officer or the Director Assets and Sustainable Development are authorised to submit Responsible Authority Reports to the Development Assessment Panel, pursuant to Regulation 12 of the Planning & Development (Development Assessment Panels) Regulations 2011.

RECORDING REQUIREMENTS

Relevant Assessment File.

AMENDED by Res: 110715 / 7 July 2015

Commented [CT74]: Delete. Department of Planning, Lands and Heritage have advised this is not appropriate.
Also, no authority to delegate this function under the Act.

TOWN PLANNING –STRATA TITLE

DELEGATION NUMBER	-	D100606
LEGISLATIVE POWERS	-	Planning & Development Act 2005 Instrument of Delegation - Gazetted 9 June 2009. pg 1936.
DELEGATE	-	Director Assets and Sustainable Development Manager Sustainable Development Senior Town Planner Town Planner
ACTIVITY	-	Town Planning & Regional Development

Pursuant to section 16 of the Planning & Development Act 2005, the Western Australian Planning Commission (WAPC) resolved to delegate to local governments, and to members and officers of those local governments, its powers and functions under section 25 of the Strata Titles Act 1985 to determine applications for the issuing of a certificate of approval under section 25 of the Strata Titles Act 1985 for a plan of subdivision, re-subdivision or consolidation, except those applications that;

- a) propose the creation of a vacant lot;
- b) proposed vacant air stratas in multi-tiered strata scheme developments;
- c) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to –
 - i. a type of development; and/or
 - ii. land within an area;

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

For the purposes of this delegation, the Shire of Denmark authorises the following Officers;

- Director Assets and Sustainable Development
- Manager Sustainable Development
- Senior Town Planner
- Town Planner

RECORDING REQUIREMENTS

Provide WAPC with data on all applications determined under this Instrument of Delegation at the conclusion of each financial year in the format prescribed by the WAPC.

ADDED by Res: 271119 / 19 November 2019

Commented [CT75]: State Government delegation. No Council discretion.
Replaced with Delegation 10.2.2.

APPLICATIONS FOR DEVELOPMENT ON CROWN LAND MANAGED BY THE SHIRE

DELEGATION NUMBER	-	D100607
LEGISLATIVE POWERS	-	Planning & Development Act 2005 Instrument of Authorisation dated 2 June 2016
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Town Planning & Regional Development

The Minister for Lands has authorised the Chief Executive Officer to perform the powers described in Column 1 (below) of the Schedule subject to the conditions listed in Column 3 of the Schedule (refer Synergy Record ICR16640469).

SCHEDULE

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:

- 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);
- 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);
- 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);
- 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);
- 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);

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.

RECORDING REQUIREMENTS

Appropriate Assessment File

ADDED by Res: 271119 / 19 November 2019

Commented [CT76]: State Government delegation. No Council discretion.
Replaced with Delegation 10.2.1.

PEACEFUL BAY HOLIDAY COTTAGE FULL TIME OCCUPANCY APPROVALS

DELEGATION NUMBER	-	D100605
LEGISLATIVE POWERS	-	Local Government Act 1995 (section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Town Planning & Regional Development

The Chief Executive Officer is delegated authority to approve full time occupancy on a case by case basis, for a total maximum of 40 (20%) of the 203 leaseholds at Peaceful Bay, subject to the following conditions being imposed on each approval;

CONDITIONS

- (1) Advice to the applicant that Peaceful Bay leasehold area is first and foremost a holiday community and that the collective amenity expectations of the holiday leaseholders should take precedence over those of full time occupancy approval holders.
- (2) Advice to the applicant that full time occupancy recipients have an obligation to make a positive contribution to the Peaceful Bay Community.
- (3) That Peaceful Bay leasehold area fulltime occupancy approvals are to:
 - a) Be limited to a maximum 5 year period (noting the common expiry in part 3b) and considered on a case by case basis taking into account the suitability of the property for fulltime occupancy and the social, environmental and public health factors that will be associated with that approval when considered in context with the other approvals that have already been issued;
 - b) All have a common expiry date of the 30 June 2022 so that they can be renewed as a block which will allow consideration of their social, environmental and public health impacts on the Peaceful Bay community.
 - c) Be issued to the parties that apply rather than to a premises;
 - d) Be made by the lessee(s) or endorsed in writing by them;
 - e) Be non transferable and expire on the cessation of the lease or the sale of the property and;
 - f) Be able to be renewed for a further term at Council's discretion.
- (4) Payment of the scheduled fee that applies from time to time.

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development.

RECORDING REQUIREMENTS

Relevant Assessment File.

Refer also to Council Policy P100609 – Peaceful Bay Holiday Cottage Full Time Occupancy Approvals.

Section 5.46 (3) – Local Government (Administration) Regulation No. 19

ADDED by Res: 320512 / 22 May 2012

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 050917 / 19 September 2017

OTHER COMMUNITY AMENITIES – 1007

Commented [CT77]: Delete. Duplicated conditions in Policy P100609.

Update policy to include restriction on percentage of full time occupancies required.

RECREATION & CULTURE - 11

PUBLIC HALLS, CIVIC CENTRES - 1101

COUNCIL FACILITIES - HIRE FEES - COMMERCIAL / NON COMMERCIAL DETERMINATION

DELEGATION NUMBER	-	D110101
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Public Halls, Civic Centres

For the purposes of establishing hire charges for Council facilities, the Chief Executive Officer is delegated authority to determine whether an activity is "commercial" or "non-commercial" in nature.

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Corporate and Community Services and the Manager Community Services.

RECORDING REQUIREMENTS

Approval of application to hire venue.

Section 5.46 (3) – Local Government (Administration) Regulation No. 19

Note: Council's adopted Fees & Charges Schedule.

AMENDED by Res: 110715 / 7 July 2015

Commented [CT78]: Delete. there is no statutory power or function that relates to this.

Forwarded to finance to include a definition in the 2021/2022 Fees & Charges schedule, and future schedules. This will also enable administrative efficiency.

LOCAL LAW - LOCAL GOVERNMENT PROPERTY

DELEGATION NUMBER	-	D110201
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Delegates listed for the purpose of s.9.10 of the Local Government Act 1995, as per Delegation D050305
ACTIVITY	-	Swimming Areas & Beaches

The Delegates authorised for the purposes of Section 9.10 of the Local Government Act 1995 and listed under Delegation D050305, are delegated authority to exercise all of the local government's powers/duties, and the Council's powers/duties, contained in the Local Law relating to Local Government Property, with the exception of the following powers/duties:

- a) The setting of any fee or charge.
- b) The power to make a determination in accordance with clauses 2.1 and 2.2.
- c) The power to amend or revoke a determination in accordance with clause 2.6.
- d) The power to issue a permit for the erection of a building on local government property (refer clause 3.13 (1) (l) where ownership of the materials is transferred to the permit holder, not being the Council (refer clause 3.7).
- e) Where a clause of the local law refers to conditions that may be imposed on a permit or which are to be taken as being imposed on a permit, the clause does not limit the delegated power to impose other conditions on the permit.

CURRENT AUTHORISED PERSONS

The following members of the Denmark Surf Life Saving Club are authorised with respect to Clause 5.2 (1) of the Shire of Denmark Property Local Law in relation to a beach.

1. Life Guards employed by the Shire of Denmark from time to time.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.
Permits and correspondence on relevant file(s).

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 110617 / 20 June 2017

AMENDED by Res: 071118 / 20 November 2018

Commented [CT79]: Replaced with Delegation 1.4.2.

SWIMMING AREAS & BEACHES - 1102

OTHER RECREATION & SPORT - 1103

RECREATION CENTRE (DENMARK) - REFUNDS

DELEGATION NUMBER	-	D110301
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Other Recreation & Sport

The Chief Executive Officer is delegated authority to refund unused portions of pre-paid membership fees where "exceptional circumstances" (such as sickness, relocation out of the District, injury) warrant such refund.

CONDITIONS

The refund is to be made in accordance with Council Policy P110303

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Manager of Recreation Services.

RECORDING REQUIREMENTS

A letter of advice of refund is to be recorded with cheque or EFT remittance and on central records.

Section 5.46 (3) – Local Government (Administration) Regulation No. 19

ADDED by Res: 370/07 / 16 October 2007

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 071118 / 20 November 2018

AMENDED by Res: 151120 / 17 November 2020

Commented [CT80]: Delete. No statutory power or function that can be delegated. No evidence of this "power" being used in recent years.

CEO has authority under Delegation 1.2.20 (s.6.12 of the Local Government Act 1995) for waivers.

RECREATION CENTRE FREE PASSES

DELEGATION NUMBER	-	D110302
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Other Recreation & Sport

The Chief Executive Officer is delegated authority to issue up to \$200 value of free passes per annum to users / potential users of the Denmark Recreation Centre programs for program promotional purposes.

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Manager of Recreation Services.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Sufficient record of passes issued are to be kept enabling Centre staff to follow up and seek feedback as well as establishing if such promotion adds to more permanent long term users of the Centre and its programs.

ADDED by Res: 365/07 / 16 OCTOBER 2007
AMENDED by Res: 071118 / 20 November 2018

Commented [CT81]: Delete. No statutory power or function that can be delegated. No evidence of this "power" being used in recent years.

CEO has authority under Delegation 1.2.20 (s.6.12 of the Local Government Act 1995) for waivers.

TELEVISION & RADIO RE-BROADCASTING - 1104

LIBRARIES - 1105

HERITAGE - 1106

OTHER CULTURE - 1107

TRANSPORT - 12

STREETS, ROAD, BRIDGES, DEPOTS - 1201

TEMPORARY CLOSURE OF THOROUGHFARES TO VEHICLES

DELEGATION NUMBER	-	D120101
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Streets, Roads, Bridges, Depot

The Chief Executive Officer is delegated authority to give the necessary notices and take all appropriate actions to temporarily close any thoroughfare for any period not exceeding 4 weeks. The Chief Executive Officer, in exercising this delegated authority, shall observe the requirements of Section 3.50 and 350A of the Local Government Act.

CONDITIONS

Any proposal to close a thoroughfare for any period exceeding 4 weeks shall be referred to Council for determination.

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development and the Manager of Technical Services.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Details of request, advertising and decision to be included in subject road file.

AMENDED by Res: 110715 / 7 July 2015

Commented [CT82]: Replaced with Delegation 1.2.7.

EVENTS ON ROADS

DELEGATION NUMBER	-	D120102
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Streets, Roads, Bridges, Depots

The Chief Executive Officer is delegated authority to determine applications under Regulation 4 of the Road Traffic (Events on Roads) Regulations 1991 for the temporary closure of roads for the purpose of conducting events.

CONDITIONS

The Chief Executive Officer shall have regard to Section 3.50 of the Local Government Act 1995.

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Details of event, application for road closure and approval for road closure to be in writing and filed on the subject road file.

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 130717 / 18 July 2017

Commented [CT83]: Delegation from State Government.
Replaced with Delegation 10.3.1.

ROAD CLOSURES (PERMANENT)

DELEGATION NUMBER	-	D120103
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Streets, Roads, Bridges, Depots

Where an application is received for the permanent closure of any road in the district, the Chief Executive Officer is delegated authority to initiate the process by seeking comment from affected landowners, service authorities, land conservation district committees, etc and advertising the proposal for public comment for a minimum period of 35 days as per section 58 of the Land Administration Act 1997. All notices and advertisements are to clearly demonstrate Council is not committed to the closure proposal but is simply seeking comment to assist in determining whether to proceed further with the closure, or not.

When all responses are received and the advertising period has expired, the Chief Executive Officer is to submit details to Council for formal consideration.

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Applications to be in writing and copies of advertisements and application to be included in the appropriate road file.

AMENDED by Res: 110715 / 7 July 2015

Commented [CT84]: Delete. This is the information that is required before Council can formally consider the proposal. Operational only, not delegation.

TREES - REMOVAL

DELEGATION NUMBER	-	D120104
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Streets, Roads, Bridges, Depots

The Chief Executive Officer is delegated authority to authorise the removal of any tree within any road reserve or crown reserve where such road or reserve is under the care, control and maintenance of the Council. This delegated authority shall only be exercised when the Chief Executive Officer, after obtaining technical advice when appropriate, is of the opinion that the tree is dead, diseased, structurally dangerous or is creating a traffic hazard by restricting the vision of motorists. This delegation to remove trees may also be exercised when removal of the tree/s is needed due to pending roadworks however in these instances the Chief Executive Officer need not obtain technical advice regarding the condition of the tree/s.

The Chief Executive Officer, prior to exercising this delegation shall consult with interest groups active in or associated with the area and any two Ward Councillors for the area and comply with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development and the Manager of Technical Services.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Details of reasons for removal, condition of tree/s and method of removal to be recorded on appropriate files.

AMENDED by Res: 110715 / 7 July 2015

Commented [CT85]: Delete. no power of delegation for this purpose.

WALGA suggest policy position instead.

To be considered as a policy, together with existing Policy P100505.

ROAD TRAINS - EXTRA MASS PERMITS

DELEGATION NUMBER	-	D120105
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Streets, Roads, Bridges, Depots

The Chief Executive Officer is delegated authority to determine any application recommending approval or refusal, with or without conditions, for referral to Main Roads WA to use road trains and for extra mass permits on any local road within the district. The Chief Executive Officer shall have regard to any Council policy on the issue that may be established from time to time.

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development and the Manager of Technical Services.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Applications and approval/refusal to be in writing and a copy of correspondence to be included on the subject road file.

Commented [CT86]: Delete – operational. Main Roads WA are the decision making and only seek comment from the Shire.

TRAFFIC REGULATORY SIGNS

DELEGATION NUMBER	-	D120106
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Streets, Roads, Bridges, Depots

The Chief Executive Officer is delegated authority to make application to Main Roads WA for approval to install stop and give-way signs at such places as the Chief Executive Officer considers warranted and, on receipt of the necessary approval, arrange to have the signs erected in accordance with the provisions of the approval.

The Chief Executive Officer is further delegated authority to arrange installation of "school bus stop" signs and other appropriate traffic regulatory signs at such places as the Chief Executive Officer considers necessary.

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development and the Manager of Technical Services.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Requests to be in writing and copies of all correspondence are to be included on subject road file.

Commented [CT87]: Delete. No local government discretion to consent, or not, to the installation of regulatory signs.

This is now a Main Roads WA function only.

GATES ACROSS PUBLIC THOROUGHFARES

DELEGATION NUMBER	-	D120108
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Streets, Roads, Bridges, Depots

The Chief Executive Officer is delegated authority to determine applications for permission to erect gates or other devices across public thoroughfares under Council control or management to enable traffic to pass across the public thoroughfare and prevent livestock from straying. This authority relates to all of the provisions of Regulation 9, Local Government (Uniform Local Provisions) Regulations 1996.

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development and the Manager Sustainable Development.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Gate Permit Register.

Refer to Council's adopted Fees & Charges Schedule for the relevant fees.

Commented [CT88]: Replaced with Delegation 1.2.10.

LAND RESUMPTION

DELEGATION NUMBER	-	D120109
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Streets, Roads, Bridges, Depots

The Chief Executive Officer is delegated authority to take appropriate action to acquire any privately owned land that is required for the realignment of road reserves to accommodate the implementation of Council's annual road works program. The Chief Executive Officer may offer the landowner, as compensation, the valuation as determined by the Valuer General plus an amount of 10% but shall have due regard to the provisions made for the resumption of land in Council's Budget.

The Chief Executive Officer is further delegated authority to negotiate arrangements with affected landowners whereby the Council may carry out works to the valuation of any compensation payable.

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Formal land resumption documentation.

Commented [CT89]: Delete. This is not a power or function under the Local Government Act.

WALGA have suggested that any land resumption for capital works would be considered at the early stages of any development. The Council in approving the capital works project would consider any land acquisition. This allows the Council to be fully informed regarding the scope and costs associated.

DANGEROUS EXCAVATION IN OR NEAR PUBLIC THOROUGHFARE

DELEGATION NUMBER	-	D120110
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Streets, Roads, Bridges, Depots

The Chief Executive Officer is delegated authority to take all appropriate action in accordance with Local Government (Uniform Local Provisions) Regulation No 11 to remove, or have removed, any dangerous excavation in a public thoroughfare or land adjoining a public thoroughfare.

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

All notices to be in writing with a copy of such notice included on the relevant public thoroughfare file.

Commented [CT90]: Replaced with Delegation 1.2.11.

CROSSOVERS

DELEGATION NUMBER	-	D120111
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Streets, Roads, Bridges, Depots

The Chief Executive Officer is delegated authority to:

1. Determine applications for the construction of a crossing giving access from a public thoroughfare to private land or a private thoroughfare serving the land and may agree to construct the crossing for the applicant. The CEO in exercising this delegation shall take into account any policy of Council relating to crossovers that may, from time to time, be put in place.
2. Give notice to an owner or occupier of private land requiring the person to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land. If the person fails to comply with the notice the Chief Executive Officer is delegated authority to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person.

This delegated authority relates to all of the provisions of Local Government (Uniform Local Provisions) Regulations 1996, Regulation numbers 12 to 16 inclusive.

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development and the Manager of Technical Services.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Application for Crossover Form.

Notices in writing with copies filed on appropriate property files.

Commented [CT91]: Replaced with Delegation 1.2.12.

PUBLIC THOROUGHFARES – FIXING OR ALTERING LEVELS OR ALIGNMENTS OR DRAINAGE ONTO ADJOINING LAND

DELEGATION NUMBER	-	D120112
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Streets, Roads, Bridges, Depots

The Chief Executive Officer is delegated authority to give the required notices as specified in Section 3.51(3) and (4) before fixing or altering the level of, or the alignment of a public thoroughfare and before draining water from a public thoroughfare or other public place onto adjoining land.

Further, the Chief Executive Officer is delegated authority to consider any submissions received and proceed with the proposal if no objection is received.

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development and the Manager of Technical Services.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Required notices to be in writing with a copy on the subject road file.

Commented [CT92]: Replaced with Delegation 1.2.7.

PUBLIC THOROUGHFARES – PUBLIC USE AND PLANS

DELEGATION NUMBER	-	D120113
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Streets, Roads, Bridges, Depots

The Chief Executive Officer is delegated authority to:

- (1) Ensure that public thoroughfares are kept open for public use as required under Section 3.53(2) of the Act.
- (2) In fixing or altering the level of, or the alignment of a public thoroughfare, ensure that access by vehicle to land adjoining the thoroughfare can be reasonably provided. (Reference Section 3.52(3)).
- (3) Keep plans of the levels and alignments of public thoroughfares that are under Council's control or management and make those plans available for public inspection. (Reference Section 3.52(4)).

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development and the Manager of Technical Services.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Appropriate plans. |

Commented [CT93]: Delete. WALGA have advised that the items listed are all mandatory compliance matters under the Act.

There is no discretion for any local government and therefore delegation is not required or appropriate.

TRAFFIC SIGNS & CONTROL DEVICES – TEMPORARY (WORKS)

DELEGATION NUMBER	-	D120115
LEGISLATIVE POWERS	-	Road Traffic Code 2000
	-	Road Traffic Act 1974
AUTHORISED PERSON	-	Chief Executive Officer
ACTIVITY	-	Streets, Roads, Bridges, Depot

Pursuant to Regulation 297(2) of the Road Traffic Code 2000 the Commissioner of Main Roads has authorised the Chief Executive Officer of the local government to 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 terms and conditions set out in the Instrument of Authorisation dated 17 July 1975.

Pursuant to Part (b) of the Instrument of Authorisation the Shire of Denmark has developed a Protocol and Procedures which relate. Refer [Appendix 1](#).

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development and the Manager of Technical Services.

RECORDING REQUIREMENTS

Details recorded within the Traffic Management Plan & filed on the relevant road file.

Instrument of Authorisation Schedule – see File ENG.11 & the original filed in Council's Strong Room under Licences.

Commented [CT94]: Delegation from State.

Replaced with Delegation 10.3.2.

No Council discretion.

TRAFFIC SIGNS & CONTROL DEVICES – TEMPORARY (EVENTS)

DELEGATION NUMBER	-	D120116
LEGISLATIVE POWERS	-	Road Traffic Code 2000 Road Traffic Act 1974
AUTHORISED PERSON	-	Chief Executive Officer
ACTIVITY	-	Streets, Roads, Bridges, Depot

Pursuant to Regulation 297(2) of the Road Traffic Code 2000 the Commissioner of Main Roads has authorised the Chief Executive Officer of the local government to 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;

1. "event" subject to an order from the Commissioner of Police pursuant to Part VA of the Road Traffic Act 1974;
2. 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
3. Public meeting or procession the subject of a permit granted by the Commissioner of Policy 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 terms and conditions set out in the Instrument of Authorisation dated 18 July 2007.

Pursuant to Part (b) of the Instrument of Authorisation the Shire of Denmark has developed a Protocol and Procedures which relate. Refer [Appendix 1](#).

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development and the Manager of Technical Services.

RECORDING REQUIREMENTS

Details recorded within the Traffic Management Plan & filed on the relevant road file.

Instrument of Authorisation Schedule – see File ENG.11 & the original filed in Council's Strong Room under Licences.

ROAD PLANT PURCHASES - 1202

Commented [CT95]: Delegation from State.

Replaced with Delegation 10.3.1.

No Council discretion.

PARKING FACILITIES - 1203

LOCAL LAW - PARKING & PARKING FACILITIES

DELEGATION NUMBER	-	D120301
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Delegations listed for the purpose of s9.10 of the Local Government Act 1995, as per Delegation D050305
ACTIVITY	-	Parking Facilities

The Delegates authorised for the purposes of Section 9.10 of the Local Government Act 1995 and listed under Delegation D050305, are delegated authority to exercise all of the following powers/duties of the local government as are contained in the Local Law relating to Parking and Parking Facilities,:

1. Authorise persons to drive or park a vehicle upon or over any portion of a reserve other than upon an area specifically set aside for that purpose. (Refer clause 3.16)
2. Prohibit or regulate by signs or otherwise the parking of any vehicle or class of vehicles in any part of the parking region (Refer clause 3.1).
3. Grant approval for the exhibition, removal or other treatment of signs in accordance with clause 4.2.
4. Grant approval to leave a vehicle, or part of a vehicle, in a public place in a manner that obstructs the use of any part of the public place. (Refer clause 4.6(1))

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Written notice.

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 071118 / 20 November 2018

Commented [CT96]: Replaced with Delegation 1.4.3.

TRAFFIC CONTROL (VEHICLE LICENSING) - 1204

ROAD TRAFFIC (ADMINISTRATION) ACT 2008 – PRESCRIBED PERSONS

DELEGATION NUMBER	-	D120401
LEGISLATIVE POWERS	-	Road Traffic (Administration) Regulations 2014 (Regulation 7 (2) (n))
PRESCRIBED PERSONS	-	Chief Executive Officer Senior Ranger Ranger
ACTIVITY	-	Traffic Control (Vehicle Licensing)

Pursuant to Regulation 7 (2) (n) of the Road Traffic (Administration) Regulations 2014 the Chief Executive Officer can nominate local government employees as *prescribed officers* for the purpose of requesting information on an ad hoc basis from the Department of Transport, Driver and Vehicles Services (DVS), Release of Information (ROI) Section via email.

CONDITIONS

The information disclosed to the nominated persons will only be used in connection with the administration of the Acts and Regulations specifically the – Local Government Act 1995 – Parking & Parking Facilities Local Law, Local Government Property Local Law, Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Law and Caravan Parks and Camping Grounds Act 1995, Cemeteries Act 1986 and Cemeteries Local Law, Environmental Protection Act 1986 and Environmental Protection (Noise) Regulations 1997, Litter Act 1979 and Bush Fires Act 1954 administered by the Shire of Denmark. The information provided by the Department of Transport cannot be used for a purpose other than the authorised purpose for which it was disclosed.

CURRENT PRESCRIBED PERSONS

Pursuant to Regulation 7 (2) (n) of the Road Traffic (Administration) Regulations 2014, the Chief Executive Officer hereby nominates the following employees as prescribed officers;

1. Director Assets and Sustainable Development;
2. Senior Ranger; and
3. Ranger

RECORDING REQUIREMENTS

Details of actions taken under this Authorisation are to be retained on the appropriate file or record.

Prescribed Officers need also to be authorised under section 9.10 of the Local Government Act 1995, refer Delegation D050305.

Refer File AGR.19 and Synergy Record IAGR197905 for related procedures.

ADDED by Res: 110715 / 7 July 2015

AMENDED by Res: 071118 / 20 November 2018

AERODROMES - 1205

WATER TRANSPORT FACILITIES – 1206

Commented [CT97]: Delete.

This is an authorisation for the CEO to nominate employees for the purposes of requesting information.

No Council discretion.

ECONOMIC SERVICES - 13

RURAL SERVICES - 1301

LOCAL LAW - PEST PLANTS

DELEGATION NUMBER	-	D130101
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Rural Services

The Chief Executive Officer is delegated authority to exercise all of the Council's powers contained in the Council's Local Law – Pest Plants, published in the Government Gazette on 25 June 1997.

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development, the Senior Ranger and the Ranger.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Public advertising and notices in writing as appropriate.

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 071118 / 20 November 2018

Commented [CT98]: Replaced with Delegation 1.4.6.

TOURISM & AREA PROMOTION - 1302

PEACEFUL BAY HOLIDAY COTTAGE LEASES - ASSIGNMENT

DELEGATION NUMBER	-	D130201
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
	-	Shire President
ACTIVITY	-	Tourism & Area Promotion

The Chief Executive Officer and the Shire President are jointly delegated authority to approve the assignment of Peaceful Bay Holiday Cottage Leases.

The Chief Executive Officer is delegated authority to approve the mortgage of a Peaceful Bay Holiday Cottage Lease.

CONDITIONS

The delegation is granted on the basis that if the Chief Executive Officer is not prepared to support an assignment the matter is referred to Council for determination.

The application for lease assignment should include a site plan indicating all buildings and the type, size and location of all existing effluent disposal systems.

An inspection will be carried out to confirm the above information and to identify any building maintenance, health, safety or other works required to be addressed prior to or as part of the assignment and a fee for this service will be charged based on an average assessment and as per adopted in the Council's annual budget. Officers will endeavour to combine inspections with other routine duties to reduce inspection fees whenever possible.

Any substandard or failing effluent disposal systems must be upgraded to the satisfaction of Council's Principal Environmental Health Officer and in compliance with State legislation before the lease will be assigned.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Copy of form T3C (Transfer of Mortgage Charge or Lease) with consent to transfer filed on the relevant property file.

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 151120 / 17 November 2020

Commented [CT99]: Delete. This is not a statutory power to delegate.

Execution of assignments require the common seal and therefore required to be signed by the CEO and Shire President, s9.49A(1).

The conditions could be considered as a policy position..

PEACEFUL BAY & RIVERMOUTH CARAVAN PARK LEASES

DELEGATION NUMBER	-	D130202
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Tourism & Area Promotion

The Chief Executive Officer and Shire President jointly are delegated authority to approve the assignment of the Peaceful Bay Caravan Park Lease and Rivermouth Caravan Park Lease.

The Chief Executive Officer is delegated authority to approve the mortgage of the Peaceful Bay Caravan Park Lease and Rivermouth Caravan Park Lease.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Documentation to be kept in accordance with the State Record Keeping Act and the Shire's Record Keeping Plan.

Commented [CT100]: Delete. This is not a statutory power to delegate.

Execution of assignments require the common seal and therefore required to be signed by the CEO and Shire President, s9.49A(1).

PARRY BEACH FISHERMAN'S LEASE AREA – ADDITIONAL CARAVANS

DELEGATION NUMBER	-	D130203
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Tourism & Area Promotion

The Chief Executive Officer is delegated authority to approve the use of two additional caravans on the Parry Beach Fisherman's Lease area.

CONDITIONS

The delegation is granted on the basis that approval is on an annual basis and if the Chief Executive Officer is not prepared to approve the additional use, the matter is referred to Council for determination.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Correspondence in lease document file.

AMENDED by Res: 110715 / 7 July 2015

Commented [CT101]: Delete. Retain as Council decision under the existing lease.

Could be dealt with as a policy matter.

CARAVAN PARKS AND CAMPING GROUNDS - APPOINTMENT OF AUTHORISED PERSONS

DELEGATION NUMBER	-	D130204
LEGISLATIVE POWERS	-	Caravan Parks & Camping Grounds Act 1995 (Section 17)
AUTHORISED PERSONS	-	Chief Executive Officer - Director Corporate and Community Services - Director Assets and Sustainable Development - Principal Environmental Health Officer - Environmental Health Officer - Senior Ranger - Ranger
ACTIVITY	-	Tourism & Area Promotion

Section 17 states –

1. The chief executive officer of the Department or a local government —
 - a) may appoint such persons to be authorised persons for the purposes of this Act as the chief executive officer or the local government considers necessary; and
 - b) must issue each person appointed under paragraph (a) with an identity card, in the prescribed form, certifying that the person is an authorised person under this Act.
2. An authorised person is to produce the identity card referred to in subsection (1)(b) whenever required to do so by any person in respect of whom the authorised person has exercised, or is about to exercise, any of the powers of an authorised person under this Act.
3. Production of an identity card referred to in subsection (1)(b) is *prima facie* evidence that the person to whom the identity card relates is an authorised person for the purposes of this Act.
4. Every member of the Police Force is, if so requested by an authorised person, to aid and assist the authorised person enforcing compliance with this Act and has, while so aiding and assisting, all the powers and authorities of an authorised person.

CURRENT AUTHORISED PERSONS

The Council appoints for following authorised persons for the purposes of Division 1 of Part 2 and Sections 22 & 23 (2) of the Act, Enforcement & Issuing of Infringements;

- Director Corporate and Community Services
- Director Assets and Sustainable Development
- Principal Environmental Health Officer
- Environmental Health Officer
- Senior Ranger
- Ranger

For the purposes of Sections 23 (3), (5) and (7) of the Act, with respect to extensions and withdrawal of infringements.

- Chief Executive Officer

RECORDING REQUIREMENTS

Identify Card in prescribed form to be issued to authorised persons. Each person who is authorised to give infringement notices under this section is to produce the certificate whenever required to do so by a person to whom he or she has given or is about to give an infringement notice.

Pursuant to Section 23 (3) an Infringement Notice to be in prescribed form.

Withdrawal of Infringement to be in prescribed form.

ADDED by Res: 110715 / 7 July 2015

AMENDED by Res: 130717 / 18 July 201

AMENDED by Res: 20 November 2018 / 071118

Commented [CT102]: Delete. Not a delegation.

The CEO now has power to appoint persons for this legislation under s.9.10 of the Local Government Act.

Appointed persons to be recorded in a separate Authorisations register.

BUILDING CONTROL - 1303

BUILDING PERMIT FEES - REFUNDS & EXEMPTIONS

DELEGATION NUMBER	-	D130308
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Building Control

The Chief Executive Officer is delegated authority to determine applications for the refund of building permit fees where a building project is abandoned after issue of the building permit. Any refund shall not exceed 50% of the building permit fee paid and no refund is to be made when the building project is abandoned after the expiry of 12 months from the date of issue of the permit.

The Chief Executive Officer is further delegated authority to determine any applications from sporting, charitable and other community groups for exemption from payment of any building permit fees in accordance with Council Policy P100606.

CONDITIONS

This delegation applies only to that part of the Building Permit Fee retained by Council and not to that part collected as a Building Industry Training levy.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Notation on Building Permit and Chief Executive Officers' Donations Register.

Note also Organisation Procedure Manual OP040239.

AMENDED by Res: 110715 / 7 July 2015
AMENDED by Res: 130717 / 18 July 2017

Commented [CT103]: Delete. This is not a statutory power to delegate.

The Building Act prescribe circumstances when permit fees must be refunded. Any other refunds can be considered on a case-by-case basis by the CEO under Delegation 1.2.21 (discounts, waivers or write offs).

LOCAL LAW - FENCING

DELEGATION NUMBER	-	D130309
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Building Control

The Chief Executive Officer is delegated authority to exercise all of the following powers/duties of the local government as are contained within the Local Law relating to Fencing, published in the Government Gazette on the 29th May 2001:

- a) Exercise the general discretion of the local government in relation to the erection or repair of a fence that does not comply with the requirements of the local law. (Refer clause 10)
- b) Approve or refuse applications for a licence to have and use an electrified fence and to have a fence constructed wholly or partly of razor wire. (Refer clause 13)
- c) Cancel a licence as provided for under clause 15.
- d) Issue a 'notice of breach' and take other actions in accordance with clause 16.

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development and the Principal Building Surveyor.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Correspondence on relevant assessment files.

AMENDED by Res: 110715 / 7 July 2015

Commented [CT104]: Replaced with Delegation 1.4.4.

BUILDING STRUCTURES ON COUNCIL LAND

DELEGATION NUMBER	-	D130311
LEGISLATIVE POWERS	-	Local Government Act 1995 (section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Building Control

The Chief Executive Officer is delegated authority to authorise development applications, lodged by Council, Council Staff, external individuals, businesses or organisations, for proposed construction of new or significant alterations to **building** structures on Council land, on behalf of Council as the owner of the land.

This approval is required prior to formal assessment of the Development Application by Planning Staff and thereafter the Development Control Unit (DCU). Any development can only commence once planning and building approvals are in place in accordance with conditions and all relevant fees are paid/journalled pursuant to Council Policy P100606 (Payment of Planning & Building Fees by Not For Profit Community Organisations).

CONDITIONS

- a) This delegation relates to minor development applications, with all major developments to be referred to Council for Council consideration. Examples of minor development would include gazebos, verandahs, sheds and fences. Examples of major development would include extensions, new buildings and significant renovations.
- b) The Chief Executive Officer has the authority of Council to determine what may be considered significant, major or minor, as applicable to this delegation.

RECORDING REQUIREMENTS

Section 5.46 (3) – Local Government (Administration) Regulation No. 19

Relevant Assessment File.

Note Organisation Procedure OP040239.

AMENDED by Res: 110715 / 7 July 2015

Commented [CT105]: Delete. This would be function of the CEO cover under s.5.41 of the Local Government Act.

BUILDING ACT 2011

DELEGATION NUMBER	-	D130312
LEGISLATIVE POWERS	-	Building Act 2011 (Section 127) & Building Regulations 2012
DELEGATE	-	Chief Executive Officer
	-	Principal Building Surveyor
	-	Building Surveyor
	-	Customer Service Officer (Sustainable Development)
ACTIVITY	-	Building

That, in accordance with various sections (individually listed below) of the Building Act 2011 the Chief Executive Officer (CEO), the Principal Building Surveyor (PBS), Building Surveyor (BS) and Customer Service Officers (CSO – Sustainable Development) have, in their individual right, delegated authority to perform the following functions in relation to building matters (the acronym in brackets following each part relates to whom the delegation is applicable).

Please refer to the relevant section of the Building Act 2011 for determination of any additional details of each delegation.

- Section 20 – Grant of Building Permit (CEO, PBS & BS).
- Section 21 – Grant of Demolition Permit (CEO, PBS & BS).
- Section 22 – Refuse an application for Building or Demolition Permit (CEO & PBS).
- Section 27 (1) and (3) – Impose conditions, add, vary or revoke conditions imposed on a Building or Demolition Permit (CEO, PBS & BS).
- Section 53 (1) of the Building Regulations – Inspections of Swimming Pool Enclosures (PBS & BS)
- Section 55 – Seek further information to enable determination of an application for a Building or Demolition Permit (CEO, PBS & BS).
- Section 58 – Grant an Occupancy Permit and Building Approval Certificate (CEO, PBS & BS).
- Section 62 (1) & (3) – Impose conditions on Occupancy Permit and a Building Approval Certificate and impose conditions or add, vary or revoke conditions imposed (CEO, PBS & BS).
- Section 65 (4) – Extend the period during which an Occupancy Permit or Building Approval Certificate has effect (CEO, PBS & BS).
- Section 88 (3) – Finishes of walls close to boundaries. Impose a condition or make a building order in respect in which an outward facing side of a particular close wall as defined in the Act must be finished (CEO, PBS & BS).
- Section 93 (2) – Authorised Persons – changing building standards, requirements, as to existing buildings (Nil)
- Section 96 (3) – Authorised Persons. Designate an employee as an authorised officer (CEO).
- Section 110 (1) – Issue of Building Orders (CEO, PBS & BS).

- Section 111 (1) – Notice of Proposed Building Orders. Issue of Notice of Proposed Building Orders (CEO, PBS & BS).
- Section 117 – Revoke Building Orders (CEO, PBS & BS).
- Section 118 – Give effect to Building Order if non compliance exists (CEO, PBS & BS)
- Section 131 (2) – Inspection and copies of Building Records. Permit inspections or provide a copy of Building Records (CEO, PBS, BS & CSO).
- Section 133 (1) (b) – Prosecution for an offence (CEO).
- Section 140 (2) – Certification of permits or building approval certificates (CEO & PBS).
- Regulation 70 (2) – Issuing Infringements (PBS & BS)
- Regulation 70 (1) – Withdrawing of Infringements (CEO)

AUTHORISED PERSONS

The CEO designates the following employees as authorised officers, pursuant to Section 96 (3);

1. Chief Executive Officer;
2. Director Assets and Sustainable Development;
3. Manager Sustainable Development;
4. Senior Town Planner; and
5. Principal Building Surveyor.

RECORDING REQUIREMENTS

Recording of the determination or decision on the relevant Building Permit or Assessment File.

Delegations must be in writing pursuant to Section 127 (4) of the Act.

Authorised Persons must be issued with an identity card in accordance with Section 97 of the Act and a Certificate of Appointment, pursuant to Regulation 70 (3) of the Building Regulations 2012.

ADDED by Res: 070412 / 10 April 2012

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 130717 / 18 July 2017

AMENDED by Res: 071118 / 20 November 2018

Commented [CT106]: Replaced with Delegations 2.1.1, 2.1.2, 2.1.3, 2.1.4, 2.1.5 and 2.1.6.

SALEYARDS & MARKETS - 1304

PLANT NURSERIES - 1305

ECONOMIC DEVELOPMENT - 1306

PUBLIC UTILITY SERVICES - 1307

OTHER ECONOMIC SERVICES - 1308

LOCAL LAW - EXTRACTIVE INDUSTRIES

DELEGATION NUMBER	-	D130801
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Other Economic Services

The Chief Executive Officer is delegated authority to exercise all of the local government's powers/duties contained in the Council's Local Law relating to Extractive Industries published in the Government Gazette on the 29th May 2001 and Extractive Industries Amendment Local Law published in the Government Gazette on 9th August 2005, with the exception of the following specific powers/duties:

- The setting of any fee or charge.
- The cancellation of any licence as provided for in clause 4.2.
- The setting of, or the use of, any secured sums referred to in Part 5.

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development.

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Council Policy, permits, correspondence on assessment files.

Commented [CT107]: Replaced with Delegation 1.4.5.

OTHER PROPERTY & SERVICES - 14

PRIVATE WORKS - 1401

ADMIN OVERHEADS - 1402

PUBLIC WORKS OVERHEADS - 1403

PLANT OPERATION COSTS - 1404

SALARIES & WAGES - 1405

BUSINESS UNIT OPERATIONS - 1406

UNCLASSIFIED - 1407

TOWN PLANNING SCHEMES - 1408

Appendix 1



Shire of Denmark

953 South Coast Highway (PO Box 183), Denmark WA 6333
Ph: (08) 9848 0300 Fax: (08) 9848 1985
Email: enquiries@denmark.wa.gov.au
Website: www.denmark.wa.gov.au

Administrative Protocol: Traffic Management for Works on Roads

Status	Administration
Responsible Division	Infrastructure Services
Objective	Ensure the safety of all workers and road users in line with safe system principles; by Establishing uniform procedures for reviewing and authorising traffic management at work sites ensuring compliance with conditions given in the Instrument of Authorisation.

Commented [CT108]: State Government delegation. No Council discretion.
Replaced with Delegation 10.3.2.

Context

This protocol recognises that in accordance with the *Road Traffic Code 2000* (the Code): Regulation 297(2), Instrument of Authorisation (IoA) issued to the Shire of Denmark by the Commissioner (the Commissioner) of Main Roads Western Australia (MRWA), the Shire of Denmark is obliged to develop and implement traffic management procedures that will satisfy the Commissioner, that work on roads within the Shire of Denmark will always comply with the "Traffic Management for Works on Roads Code of Practice".

Statement

The Shire of Denmark actively supports the MRWA "Traffic Management for Works on Road Code of Practice" (Works Code of Practice) and will conduct its business in such a way as to:

1. Comply with the requirements of the latest amendment to the Works Code of Practice AND AS1742.3 for all work within the road reserve undertaken by the Shire of Denmark and its agents;
2. Authorise other parties not subject to an IoA to implement roadworks traffic management within their jurisdiction. Prior to and after authorisation is given, the Shire of Denmark shall ensure that the traffic management is in accordance with the "Works Code of Practice".
3. Recognise that it has a duty of care under the Occupational Safety and Health Act 1984 to provide and maintain a safe place of work for its employees, consultants, agents and contractors to ensure that persons who have access to the workplace including road users are not exposed to hazards.
4. Ensure that a generic or specific (dependant on situation) traffic management plan (TMP) has been prepared for all works within the road reserve that require traffic management.
5. Keep a record of the traffic management plans and in particular the sign and device arrangement and any changes to such during the works for a period of seven (7) years from the date of completion of the works.
6. Ensure operational road works traffic management tasks are only undertaken by persons who are accredited or are directly managed onsite by a person with MRWA - Basic Worksite Traffic Management accreditation. Where persons are controlling traffic they shall have MRWA – Traffic controller accreditation.
7. Ensure that appropriate training is given to allow for the preparation, modification, review and recommendation of TMP's for roadworks sites.

Related documentation

Main Roads Western Australia Instrument of Authorisation for Works.
Main Roads Western Australia Traffic Management for Works on Roads Code of Practice.
Australian Standard AS 1742.3 Manual of Uniform Traffic Control Devices, Part 3 Traffic Control for Works on Roads.
AS/NZS ISO 31000 – Risk Management – Principles and Guidelines
Traffic Controllers' Handbook.

Related local law and legislation

Local Government Act 1995
Local Government (Uniform Local Provisions) Regulations 1996
Main Roads Act 1930
Occupational Safety and Health Act 1984
Road Traffic Act 1974
Road Traffic Code 2000
Thoroughfares Local Law

Issued

Approved by Executive 18/08/2015

Amendments

Nil

Procedure: Traffic Management for Works on Roads

Overview

Any party undertaking work within the Shire of Denmark shall assess the need for a Traffic Management Plan (TMP). The Shire of Denmark shall check the assessment to ensure a TMP has been provided where required. Where a TMP is required the Shire of Denmark shall ensure that the TMP adequately provides for the safety of workers and road users, while maintaining an adequate level of service. All TMP's shall be prepared, reviewed and implemented by a person holding appropriate Main Roads WA accreditation. This will occur prior to the Shire of Denmark authorising the TMP for implementation.

Quality Assurance

Prior to proceeding with any TMP, requirements for assurance of quality shall be as follows:

1. Personnel
 - a) The person preparing the TMP is Advanced Worksite Traffic Management (AWTM) accredited;
 1. The person reviewing the TMP is Worksite Traffic Management (WTM) or AWTM accredited OR has an equivalent level of knowledge and experience;
 2. The person reviewing the TMP has a Main Roads WA account and is subscribed to Traffic Management updates (go to www.mainroads.wa.gov.au > My Account)
 3. The person supervising / managing the implementation of the TMP is accredited with Basic Worksite Traffic Management (BWTM).
4. The Traffic Management Plan
 1. The TMP has been checked for suitability. For guidance refer to MRWA Suitability Checklist (<https://www.mainroads.wa.gov.au> >Our Roads>Traffic Management>Plan Preparation>Traffic Management Checklists).
 2. The TMP is appropriate ensuring there are no conflicting works or events at / or near the location.
 3. The Shire of Denmark will occasionally arrange for onsite review of traffic management at roadwork sites ensuring compliance with Works Code of Practice (this include both internal and external works). This will be undertaken by a WTM or AWTM accredited person OR a person with an equivalent level of knowledge and experience.

Traffic Management Plan Process

TMP Preparation Process

1. The TMP preparation shall be carried out in advance of the works and shall allow time needed to carry out consultation, sufficient notification, authorisation and implementation. Projects affecting ratepayers and businesses may require significant consultation and advertising of works.
2. The TMP shall be submitted to the authorising officer for review.

TMP Authorisation Process

1. Authorising officer is to determine if the traffic management scheme is simple or complex in nature (as per section 5.2.2 of Works Code of Practice) and do the following:
 1. Complex –TMP is to be forwarded to a suitably qualified Roadworks Traffic Manager (RTM) for endorsement (RTM to liaise with plan author and authorising officer) prior to road authority authorisation.
 2. Simple – authorising officer to check the TMP for suitability (see section 2 above).
2. Where there is non-compliance, the author is to be contacted with the recommended changes and asked to either:
 1. Check the recommendations and modify the TMP if appropriate; or
 2. Justify the existing plan against the appropriate standards.
3. Once the TMP has been deemed to be suitable by the authorising officer, the TMP will be authorised for implementation by the Chief Executive Officer or their delegate (either by signature on the TMP cover page or by emailing and referencing the TMP number and revision number).

Post Implementation Review Process

To improve traffic management on the network, on-site inspections and operational checks should be performed (where required) once the TMP has been implemented:

1. The onsite inspection is a check of the signs, devices, method statements and workers accreditation applied on site. This should ideally be done by someone holding a Basic Worksite Traffic Management (BWTM) accreditation. This ensures that all traffic management including appropriate after care is being implemented at the correct stage of the works.
2. For complex or long term worksites; an operational check involves an onsite drive through and check of the operation of the traffic management focussing on road efficiency, road user compliance and road safety should be undertaken by the authorising officer or an appropriately trained (WTM/AWTM) independent contractor.

Related documentation

Administrative Protocol – Traffic Management for Works in a Road Reserve.
Main Roads Western Australia Instrument of Authorisation for Works.
Main Roads Western Australia Traffic Management for Works on Roads Code of Practice.
Australian Standard AS 1742.3-2009 Manual of Uniform Traffic Control Devices, Part 3 Traffic Control for Works on Roads.
AS/NZS ISO 31000 – Risk Management – Principles and Guidelines
Traffic Controllers' Handbook.

Related local law and legislation

Local Government Act 1995
Local Government (Uniform Local Provisions) Regulations 1996
Main Roads Act 1930
Occupational Safety and Health Act 1984
Road Traffic Act 1974
Road Traffic Code 2000
Thoroughfares Local Law

Issued

Approved by Executive 18/08/2015

Amendments

Nil

Definitions

Term	Definition
AS:	Australian Standard
AS/NZS	Australian / New Zealand Standard
Authorising officer	Any Shire of Denmark Officer that is accredited to Advanced Worksite Traffic Management level or has equivalent level of knowledge and experience.
Complex	As defined in section 5.2.2 of the Traffic Management for Works on Roads Code of Practice.
Duty of Care	The legal duty on the part of all employers, employees and others including contractors and consultants who have an influence on the potential hazards in a work site, which requires them to take reasonable care to protect the health and safety of others at the work site including road users who may be at a foreseeable risk of harm.
Party	Any body undertaking works in the road reserve.
Road	For the purpose of this Code has the same meaning as that defined in Main Roads Act
Road reserve	For the purpose of this Code includes the land set aside, gazetted under an enactment or commonly used by the public as a road and all verges, traffic islands, median strips and other provisions associated therein for the conveyance or travel persons but does not include private tenements or freehold land.
Simple	Simple traffic management arrangements are low speed, low impact and short term works for residential roads.
Traffic Control Diagram (TCD):	Detailed drawings depicting the layout and type of traffic control devices to be used for all situations likely to be encountered during the works.
Traffic Management Plan (TMP)	A document containing Traffic Control Diagrams and documentation of project details in regard to traffic management at a work site. The documentation of project details includes, inter alia, responsible personnel, proposed timing of the works, authorisations that have been gained, traffic volume/type details, documentation of risk management and special provisions for specific road user types.

Repealed Delegations

Delegation D040102 - Financial Reports

REPEALED by Res: 130717 / 18 July 2017

Delegation D040105 – Annual Report

REPEALED by Res: 130717 / 18 July 2017

Delegation D040106 – Council and Committee Meetings

REPEALED by Res: 130717 / 18 July 2017

Delegation D040107 - Public Inspection of Documents - Council and Committee Meetings

REPEALED by Res: 130717 / 18 July 2017

Delegation D040113 – Awards Committee

ADDED by Res: 456/07 / 18 DECEMBER 2007

REPEALED by Res: 221011 / 18 October 2011

Delegation D040202 - Disputes, Arbitration & Industrial

REPEALED by Res: 130717 / 18 July 2017

Delegation D040205 - Disposal of Surplus Equipment, Materials, Tools, etc.

REPEALED by Res: 130717 / 18 July 2017

Delegation D040207 - Telephones (Private) - Use by Employees for Council Business

REPEALED by Res: 130717 / 18 July 2017

Delegation D040208 - Staff - Conferences, Seminars & Training Courses

REPEALED by Res: 130717 / 18 July 2017

Delegation D040209 – Vehicles, Use Of

REPEALED by Res: 151120 / 17 November 2020

Delegation D040210 – Budget Expenditure

REPEALED by Res: 110715 / 7 July 2015

Delegation D040211 - Tenders

REPEALED by Res: 110715 / 7 July 2015

Delegation D040213 - Local Laws

REPEALED by Res: 130717 / 18 July 2017

Delegation D040215 - Register of Delegations to Committees

REPEALED by Res: 150709 / 28 July 2009

Delegation D040216 - Copies of Information

REPEALED by Res: 130717 / 18 July 2017

Delegation D040225 - Salaries

REPEALED by Res: 241213 / 3 December 2013

Delegation D040229 - Business Continuity & Recovery Plan

REPEALED by Res: 130717 / 18 July 2017

Delegation D050106 - Bush Fires Act 1954 – Issuing of Infringement Notice

REPEALED by Res: 20 November 2018 / 071118

Delegation D050107 - Bush Fires Act 1954 – Withdrawal of Infringements

REPEALED by Res: 20 November 2018 / 071118

Delegation D050303 – Impounding Goods

REPEALED by Res: 151120 / 17 November 2020

Delegation D050304 - Vehicle Offences - Onus of Proof

REPEALED by Res: 110715 / 7 July 2015

Delegation D050307 - Spear Guns Control Act 1955 – Appointment of Inspectors

REPEALED by Res: 130717 / 18 July 2017

Delegation D070401 - Health Act 1911 – Local Government Appointed Officers

REPEALED by Res: 130717 / 18 July 2017

Delegation D070403 - Extended Trading Permits to Sell Packaged Liquor

REPEALED by Res: 20 November 2018 / 071118

Delegation D070404 – Grant/Removal of a Liquor Licence – Certificate of Local Government

REPEALED by Res: 20 November 2018 / 071118

Delegation D070405 – Grant/Removal of a Liquor Licence – Certificate of Local Planning Authority

REPEALED by Res: 20 November 2018 / 071118

Delegation D100204 – Litter Act 1979 – Honorary Inspectors

REPEALED by Res: 20 November 2018 / 071118

Delegation D110102 - Chair & Trestle Table Hire

REPEALED 24 August 2010 by Res: 220810

Delegation D110701 - Applications under Section 18 of the Aboriginal Heritage Act 1972

REPEALED by Res: 20 November 2018 / 071118

Delegation D120107 - Contractors - Use On Works

REPEALED by Res: 110715 / 7 July 2015

Delegation D120114 - Engineering Standard Drawings

REPEALED by Res: 110715 / 7 July 2015

Delegation D120201 - Light Vehicles - Replacement

REPEALED by Res: 130717 / 18 July 2017

Delegation D130301 - Notices, Issue of Section 401

REPEALED by Res: 070412 / 10 April 2012

Delegation D130302 – Building Licenses

REPEALED by Res: 070412 / 10 April 2012

Delegation D130303 – Works, Unlawful

REPEALED by Res: 070412 / 10 April 2012

Delegation D130304 – Buildings, Dangerous

REPEALED by Res: 070412 / 10 April 2012

Delegation D130305 - Certificates Of Classification

REPEALED by Res: 070412 / 10 April 2012

Delegation D130306 - Building - Extension of Time to Complete

REPEALED by Res: 070412 / 10 April 2012

Delegation D130307 - Buildings, Removal of Neglected & Dilapidated

REPEALED by Res: 070412 / 10 April 2012

Delegation D130310 - Demolition Licenses

REPEALED by Res: 070412 / 10 April 2012

Changes to Current Delegations Register

Delegation Number	Title	Action
D030101	Rate Book	Replaced with Delegations 1.2.21, 1.2.22, 1.2.23, 1.2.24, 1.2.25, 1.2.26 and 1.2.27
D030201	Investments	Replaced with 1.2.21.
D040101	Donations	Delete. To be considered as a policy.
D040103	Conferences/Seminars/Training Courses – Expenses of Councillors	Delete. See Council Policy P040129 - Reimbursement of Elected Members Travel Expenses. This policy is currently being reviewed and will be brought to Council in coming months.
D040104	Council Plant – Non-profit Organisations	Delete – No statutory function relates that can be delegated. To be considered as a new policy.
D040108	Local Law – Standing Orders – Recording of Proceedings	Delete. Clause 8.5 of the Standing Orders provides that the CEO can record or the Council or Committee can grant permission to a person to record.
D040109	Complaints Officer	Delete. This is a designation by the CEO. To be recorded in separate register. S5.120 of the Local Government Act 1995.
D040110	Public Interest Disclosure – Investigations Officer	Delete. This is an appointment by the CEO according to the PID Act, not a delegation. To be recorded in separate register.
D040111	Freedom of Information – Coordinator & Review Officer	Delete. Appointment by CEO according to Act. Not a delegation.

D040112	Equal Opportunity – Appointed Persons	Delete. Not a delegation. The CEO is responsible for administrative operations and ensuring that the Shire has an Equal Opportunity Management Plan for employees and that it is implemented.
D040114	Citizenship Ceremonies	Federal Government delegation. No Council discretion. Replaced with Delegation 10.5.1.
D040115	Code of Conduct Behaviour Complaints	Replaced with Delegation 1.2.29.
D040116	Code of Conduct Behaviour Complaints Committee	Replaced with Delegation 1.1.2.
D040201	Creditors, Payment of	Replaced with Delegation 1.2.19.
D040203	Legal Advice & Representation	Delete. Not required as it not it is not a Council statutory power that can be delegated but rather an executive function of the CEO under s.5.41. Council sets the budget for legal expenses.
D040204	Claims Against the Local Government	Delete. No statutory function that can be delegated. Considered an executive function of the CEO under s5.41.
D040206	Acting Chief Executive Officer	Delete. Replaced with Temporary or Acting CEO Policy.
D040212	Property – Acquisition & Disposal	Delete. There is no statutory power to delegate. Acquisition and disposal are in accordance with the Shire’s purchasing policy and statutory provisions under s3.57, 3.58 and associated regulations.

D040214	Executive Functions – Duties	Delete. All employees have an obligation to conform with the principles identified in s.3.21 of the LG Act. The function is treated as ‘acting through’ and not a delegation.
D040217	Tenders for Providing Goods & Services	Replaced with Delegations 1.2.16 and 1.2.17.
D040218	Execution of Documents	Delete. Preparation of documentation is an executive function under s5.41. Delete. Power to authorise a person, not delegation. s.9.49A and s.9.49B. Affixing of seal is in accordance with 9.49A(1). Separate recommendation for Council to authorise CEO and Deputy CEO.
D040219	Commercial Enterprises	Delete. Advice received suggests that it is not best practice to have this statutory power delegated. A business plan for a commercial undertaken forms the basis of the Council’s accountability to the community for that particular transaction. Commercial enterprises and business plans for such should have the endorsement of Council.
D040220	Trust Fund	Delete. This is a mandatory requirement for local governments and is therefore considered an operational function of the CEO (s.5.41).
D040221	Payment of Accounts	Replaced with Delegation 1.3.5.
D040222	Expenditure Before Adoption of Budget	Delete. No discretion provided under 6.8(1).

		<p>Incurring operational expenditure that is a standard budget allocation in the draft budget is a CEO's prescribed function under s.5.41.</p> <p>If the expenditure is not a standard budget allocation, then it must be approved by Council, by an absolute majority (s.6.8(1)(b)) or in advance by the Shire President if the case of an emergency (s.6.8(1)(c)).</p>
D040223	Grants & Subsidies	Delete. No statutory power or function to delegate. To be considered as a policy position.
D040224	Staff Relocation Expenses	Delete. No statutory power or function to delegate. To be considered as an internal HR policy.
D040226	Debts-Write Off, Waiver or Concessions	Replaced with Delegation 1.2.20.
D040227	Staff Productivity Incentive Scheme	Delete. No statutory power or function to delegate. To be considered as a policy but requires more detailed guidelines to avoid the risk of favouritism and/or inequity.
D040228	Contract Variations	<p>Delete. Power to authorise a person, not delegation. s.9.49A and s.9.49B.</p> <p>Separate recommendation for Council to authorise CEO and Deputy CEO.</p>
D040230	Master Lending Agreement	Delete. No statutory power to delegate. To be considered as a policy and relate back to s.9.49A & B.

D040231	Audit Advisory Committee	Replaced with Delegation 1.1.1.
D050101	Burning of Shire Controlled Reserves	Delete. No statutory power to delegate. BF Act provides Bush Fire Control Officers with authority to mitigate for 'prevention of bush fires. Internal procedure.
D050102	Firebreak Order, Variation to	Replaced with Delegation 3.1.5.
D050103	Burning, Prohibited & Restricted Times (Variations)	Replaced with Delegation 3.1.4.
D050104	Local Law – Bush Fire Brigades	Delete. cl.2.2 and 2.5 relate to the establishment of a new fire brigade and in any case would be determined by the Council. cl.3.2 is operational. cl.3.3 relates to the managerial role of the Chief and any directions required should be referred to the Council. cl.7.6 – if a disagreement cannot be resolved by the Captain, the Committee or the Chief then it should be referred to Council in the Officer's view.
D050105	Bush Fire Act 1954 – Issuing & Withdrawal of Infringements and Prosecution	Replaced with Delegation 3.1.9.
D050108	Bush Fires Regulations 1954 – Permits to Burn Clover	See Delegation 3.1.3, plus adds some new suggested delegations.
D050109	Bush Fires Act 1954 – Appointment of Fire Control Officers, Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer	Replaced with Delegation 3.1.8. Recommended new Delegation 3.1.8 to permit the CEO to appoint. This will not prevent the current process of the Bush Fire Advisory Committee putting forward recommendations for FCO appointments annually for Council's consideration.

D050110	Bush Fires Act 1954 – Appointment of Fire Weather Officer	<p>Replaced with Delegation 3.1.8. Recommended new Delegation 3.1.8 to permit the CEO to appoint.</p> <p>This will not prevent the current process of the Bush Fire Advisory Committee putting forward recommendations for FCO appointments annually for Council’s consideration.</p>
D050111	Bush Fires Act 1954 – Mitigation Works on Private Land	Replaced with Delegation 3.1.5.
D050201	Confiscated or Uncollected Goods	Replaced with Delegation 1.2.5.
D050202	Dogs – Local Laws & Dog Act 1976	Replaces with Delegations 5.1.1 to 5.1.9.
D050203	Cat Act 2011	Replaced with Delegations 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.6 and 4.2.1.
D050204	Appointment of Rangers and Pound Keepers	Replaced with Delegation 1.2.30.
D050301	Certain things to be done in respect of land	<p>Authorisation not delegation. Remove from Delegation Register and record in separate Authorisations Register.</p> <p>Separate recommendation to authorise persons.</p>
D050302	Power of Entry	Replaced with Delegation 1.2.3.
D050305	Enforcement & Legal Proceedings	<p>Delete. The Act was amended in 2016 and 2019 to change the power to appoint authorisation persons from Council to the CEO.</p> <p>Appointments and authorisations to be recorded in separate authorisations register.</p>

D050306	Control of Vehicles (Off-Road Areas) Act 1978 – Authorised Officers	Delete. Power to appoint amended in 2019 to now come under s.9.10 of the Local Government Act. CEO has the power to appoint. Record in separate authorisations register.
D050308	Fines, Penalties and Infringement Notices Enforcement Act 1994 – Appointment of Prosecution Officers	Delete. This is not a delegation. Executive function of the CEO under s5.41 of the Local Government Act 1995. Record in separate appointments register.
D070402	Itinerant Food Vendors & Trading in Public Places Permits	Replaced with Delegation 1.4.1.
D070406	Health (Miscellaneous Provisions) Act 1911 – Appointment of Authorised Persons and Health Local Law	Delete. This is an authorisation under s.26 not a delegation. To be recorded in a separate authorisations register. Separate recommendation to appoint and authorise persons to be the local government’s deputy.
D070407	Public Health Act 2016 – Environmental Health Officer Appointments, Enforcement and Authorised Officers	Appointment and employment of Environmental Health Officer is the responsibility of the CEO. Reporting requirement (s.22) replaced with Delegation 8.1.1. Authority to designate officers (s.24) – replaced with Delegation 8.1.2.
D070408	Food Act 2008 – Authorised Officers, Prohibition Orders and Registrations	Replaced with Delegations 6.1.1 and 6.1.2.

D100201	Installation & Removal of Rubbish Bins	Delete. No statutory power relates that can be delegated. This is operational and s.5.41 of the Local Government Act (functions of CEO).
D100202	Refuse Site Charges – Free Disposal for Not-for-Profit Community Groups	Delete. To perform this function is a “waiver” under s.6.12. See Delegation 1.2.20. There are no guidelines as to how not for profit community groups are to be defined in order be provided with free refuse disposal. WALGA have suggested that this be considered as a policy position or the CEO could determine a waiver under Delegation 1.2.20. alternatively, Council determine when adopting the annual budget.
D100203	Litter Act 1979 – Authorised Officers	Delete. Not a delegation. The function comes directly from the Act to Council Members and local government employees. To be recorded in a separate authorisations register.
D100205	Litter Act 1979 – Withdrawal of Infringement Notices	Delete. Not a delegation. The function comes directly from the Act to Council Members and local government employees. To be recorded in a separate authorisations register.
D100501	Irwin Inlet Sandbar Opening Protocol	Delete. No statutory power that is able to be delegated. Suggest include CEO decision making authority in the Council’s Policy that relates.

D100502	Wilson Inlet Sandbar Opening Protocol	Delete. No statutory power that is able to be delegated. Suggest include CEO decision making authority in the Council's Policy that relates.
D100503	Pollution Abatement	State Government delegation. No Council discretion. Replaced with Delegation 10.1.1.
D100504	Noise Management Plans	State Government delegation. No Council discretion. Replaced with Delegation 10.1.3.
D100505	Parry Inlet Sandbar Opening Protocol	Delete. No statutory power that is able to be delegated. Suggest include CEO decision making authority in the Council's Policy that relates.
D100506	Noise Management Plans	State Government delegation. No Council discretion. Replaced with Delegation 10.1.2.
D100507	Authorised Person and Inspector – Environmental Protection Act 1986	Delete. Not delegation. Appointed by the CEO of the Department. To be recorded in separate Authorisations Register.
D100601	Town Planning Scheme	Replaced with 9.2.1.

		Authorised persons to be recorded in separate authorisations register.
D100602	Local Law – Activities on Thoroughfares & Trading in Thoroughfares & Public Places	Replaced with Delegation 1.4.1
D100603	Town Planning Scheme Compliance	Replaced with Delegation 9.1.1. Authorised persons to be recorded in separate authorisations register.
D100604	Development Assessment Panel	Delete. Department of Planning, Lands and Heritage have advised this is not appropriate. Also, no authority to delegate this function under the Act.
D100606	Town Planning – Strata Title	State Government delegation. No Council discretion. Replaced with Delegation 10.2.2.
D100607	Applications for Development on Crown Land Managed by the Shire	State Government delegation. No Council discretion. Replaced with Delegation 10.2.1.
D100605	Peaceful Bay Holiday Cottage Full Time Occupancy Approvals	Delete. Duplicated conditions in Policy P100609. Update policy to include restriction on percentage of full-time occupancies required.
D110101	Council Facilities – Hire Fees – Commercial / Non Commercial Determination	Delete. There is no statutory power or function that relates to this.

		Forwarded to finance team to include a definition in the 2021/2022 Fees & Charges schedule. This will also enable administrative efficiency.
D110201	Local Law – Local Government Property	Replaced with Delegation 1.4.2.
D110301	Recreation Centre (Denmark) – Refunds	Delete. No statutory power or function that can be delegated. Consider policy instead, aligning with the Shire’s obligations under the Australian Consumer Law.
D110302	Recreation Centre Free Passes	Delete. No statutory power or function that can be delegated. No evidence of this “power” being used in recent years. CEO has authority under Delegation 1.2.20 (s.6.12 of the Local Government Act 1995) for waivers.
D120101	Temporary Closure of Thoroughfares to Vehicles	Replaced with Delegation 1.2.7.
D120102	Events on Roads	State Government delegation. No Council discretion. Replaced with Delegation 10.3.1.
D120103	Road Closures (Permanent)	Delete. This is the information that is required before Council can formally consider the proposal. Operational only, not delegation.
D120104	Trees – Removal	Delete. No power of delegation for this purpose. WALGA suggest policy position instead.

		To be considered as a policy, together with existing Policy P100505.
D120105	Road Trains – Extra Mass Permits	Delete – operational. Main Roads WA are the decision making and only seek comment from the Shire.
D120106	Traffic Regulatory Signs	Delete. No local government discretion to consent, or not, to the installation of regulatory signs. This is now a Main Roads WA function only.
D120108	Gates Across Public Thoroughfares	Replaced with Delegation 1.2.10.
D120109	Land Resumption	Delete. This is not a power or function under the Local Government Act. WALGA have suggested that any land resumption for capital works would be considered at the early stages of any development. The Council in approving the capital works project would consider any land acquisition. This allows the Council to be fully informed regarding the scope and costs associated.
D120110	Dangerous Excavation in or near Public Thoroughfare	Replaced with Delegation 1.2.11.
D120111	Crossovers	Replaced with Delegation 1.2.12.
D120112	Public Thoroughfares – Fixing or Altering Levels or Alignments or Drainage onto Adjoining Land	Replaced with Delegation 1.2.7.
D120113	Public Thoroughfares – Public Use and Plans	Delete. WALGA have advised that the items listed are all mandatory compliance matters under the Act.

		There is no discretion for any local government and therefore delegation is not required or appropriate.
D120115	Traffic Signs & Control Devices – Temporary (Works)	Delegation from State. No Council discretion. Replaced with Delegation 10.3.2.
D120116	Traffic Signs & control Devices – Temporary (Events)	Delegation from State. No Council discretion. Replaced with Delegation 10.3.1.
D120301	Parking & Parking Facilities Local Law	Replaced with Delegation 1.4.3.
D120401	Road Traffic (Administration) Act 2008 – Prescribed Persons	Delete. No Council discretion. This is an authorisation for the CEO to nominate employees for the purposes of requesting information.
D130101	Local Laws Relating to Pest Plants	Replaced with Delegation 1.4.6.
D130201	Peaceful Bay Holiday Cottage Leases – Assignment	Delete. This is not a statutory power to delegate. Execution of assignments require the common seal and therefore required to be signed by the CEO and Shire President, s9.49A(1). The conditions could be considered as a policy position.
D130202	Peaceful Bay & Rivermouth Caravan Park Leases	Delete. This is not a statutory power to delegate.

		Execution of assignments require the common seal and therefore required to be signed by the CEO and Shire President, s9.49A(1).
D130203	Parry Beach Fisherman's Lease Area – Additional Caravans	Delete. Retain as Council decision under the existing lease. Could be dealt with as a policy matter.
D130204	Caravan Parks and Camping Grounds – Appointment of Authorised Persons.	Delete. Not a delegation. The CEO now has power to appoint persons for this legislation under s.9.10 of the Local Government Act. Appointed persons to be recorded in a separate authorisations register.
D130308	Building Permit Fees – Refunds & Exemptions	Delete. This is not a statutory power to delegate. The Building Act prescribe circumstances when permit fees must be refunded. Any other refunds can be considered on a case-by-case basis by the CEO under Delegation 1.2.21 (discounts, waivers or write offs).
D130309	Fencing Local Law	Replaced with Delegation 1.4.4.
D130311	Building Structures on Council Land	Delete. This would be function of the CEO cover under s.5.41 of the Local Government Act.
D130312	Building Act 2011	Replaced with Delegations 2.1.1, 2.1.2, 2.1.3, 2.1.4, 2.1.5, 2.1.6, 2.1.10 and 2.1.11.

D130801	Local Law – Extractive Industries	Replaced with Delegation 1.4.5.
---------	-----------------------------------	---------------------------------



SHIRE OF DENMARK
DELEGATION REGISTER
Current as at 21 December 2021

Table of Contents

1	LOCAL GOVERNMENT ACT 1995 & LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960 DELEGATIONS	1
1.1	Council to Committees of Council	1
1.1.1	Audit Advisory Committee	1
1.1.2	Code of Conduct Behaviour Complaints Committee	2
1.2	Council to CEO	4
1.2.1	Performing Functions Outside the District	4
1.2.2	Compensation for Damage Incurred when Performing Executive Functions ...	5
1.2.3	Powers of Entry	6
1.2.4	Declare Vehicle is Abandoned Vehicle Wreck.....	7
1.2.5	Confiscated or Uncollected Goods.....	8
1.2.6	Disposal of Sick or Injured Animals.....	10
1.2.7	Close Thoroughfares to Vehicles	11
1.2.8	Control Reserves and Certain Unvested Facilities	13
1.2.9	Obstruction of Footpaths and Thoroughfares	14
1.2.10	Gates Across Public Thoroughfares.....	16
1.2.11	Public Thoroughfare – Dangerous Excavations	18
1.2.12	Crossing – Construction, Repair and Removal.....	20
1.2.13	Private Works on, over or under Public Places	22
1.2.14	Expressions of Interest for Goods and Services.....	24
1.2.15	Tenders for Goods and Services – Call Tenders.....	25
1.2.16	Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options.....	27
1.2.17	Panels of Pre-Qualified Suppliers for Goods and Services.....	29
1.2.18	Disposing of Property.....	31
1.2.19	Payments from the Municipal or Trust Funds	33
1.2.20	Grant Discounts, Waive or Write Off Debts	35
1.2.21	Power to Invest and Manage Investments	36
1.2.22	Rate Record Amendment.....	38
1.2.23	Agreement as to Payment of Rates and Service Charges.....	39
1.2.24	Determine Due Date for Rates or Service Charges.....	40
1.2.25	Recovery of Rates or Service Charges	41
1.2.26	Recovery of Rates Debts – Require Lessee to Pay Rent	42

Delegation Register

Shire of Denmark



1.2.27	Recovery of Rates Debts - Actions to Take Possession of the Land	43
1.2.28	Rate Record – Objections	45
1.2.29	Code of Conduct Behaviour Complaints	46
1.2.30	Appointment of Rangers and Pound Keepers	47
1.2.31	Execution of Documents	48
1.3	CEO to Employees.....	49
1.3.1	Determine if an Emergency for Emergency Powers of Entry	49
1.3.2	Electoral Enrolment Eligibility Claims and Electoral Roll	50
1.3.3	Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare.....	51
1.3.4	Information to be Available to the Public	53
1.3.5	Financial Management Systems and Procedures	55
1.3.6	Audit – CEO Review of Systems and Procedures	56
1.3.7	Infringement Notices – Extension of Time and Withdrawals.....	57
1.4	Local Law Delegations to the CEO.....	58
1.4.1	Activities in Thoroughfares & Trading in Thoroughfares & Public Places Local Law	58
1.4.2	Local Government Property Local Law	62
1.4.3	Local Government Parking & Parking Facilities Local Law	63
1.4.4	Fencing Local Law	64
1.4.5	Extractive Industries Local Law.....	65
1.4.6	Pest Plants Local Law.....	67
1.4.7	Health Local Law	68
2	BUILDING ACT 2011 DELEGATIONS	71
2.1	Council to CEO	71
2.1.1	Grant a Building Permit.....	71
2.1.2	Demolition Permits.....	73
2.1.3	Occupancy Permits or Building Approval Certificates.....	75
2.1.4	Finishes of Walls Close to Boundaries	76
2.1.5	Designate Employees as Authorised Persons.....	77
2.1.6	Building Orders	78
2.1.7	Inspection and Copies of Building Records	80
2.1.8	Referrals and Issuing Certificates	81
2.1.9	Private Pool Barrier – Alternative and Performance Solutions.....	82
2.1.10	Smoke Alarms – Alternative Solutions	83
2.1.11	Appointment of approved officers and authorised officers	84
3	BUSH FIRES ACT 1954 DELEGATIONS	85
3.1	Council to CEO, Mayor and Bush Fire Control Officer.....	85

Delegation Register

Shire of Denmark



3.1.1	Make Request to FES Commissioner – Control of Fire	85
3.1.2	Prohibited Burning Times - Vary	86
3.1.3	Prohibited Burning Times – Control Activities.....	87
3.1.4	Restricted Burning Times – Vary and Control Activities	89
3.1.5	Firebreaks.....	91
3.1.6	Recovery of Expenses Incurred through Contraventions of this Act	93
3.1.7	Prosecution of Offences, Issuing of Infringements and Withdrawals	94
3.1.8	Appoint Bush Fire Control Officer/s and Fire Weather Officer	95
3.1.9	Prosecution of Offences.....	96
4	CAT ACT 2011 DELEGATIONS	97
4.1	Council to CEO	97
4.1.1	Cat Registrations	97
4.1.2	Cat Control Notices.....	99
4.1.3	Approval to Breed Cats.....	100
4.1.4	Recovery of Costs – Destruction of Cats.....	101
4.1.5	Applications to Keep Additional Cats	102
4.1.6	Reduce or Waiver Registration Fee	103
4.2	Cat Act Delegations - CEO to Employees	104
4.2.1	Infringement Notices – Extensions and Withdrawals.....	104
5	DOG ACT 1974 DELEGATIONS	105
5.1	Dog Act Delegations Council to CEO.....	105
5.1.1	Refuse or Cancel Registration	105
5.1.2	Kennel Establishments	107
5.1.3	Recovery of Moneys Due Under this Act.....	108
5.1.4	Dispose of or Sell Dogs Liable to be Destroyed	109
5.1.5	Declare Dangerous Dog	110
5.1.6	Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke.....	111
5.1.7	Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice	113
5.1.8	Dog Registration Officers	115
5.1.9	Kennel Establishments	114
6	FOOD ACT 2008 DELEGATIONS	116
6.1	Council to CEO	116
6.1.1	Prohibition Orders.....	116
6.1.2	Food Business Registrations	117
6.1.3	Appoint Authorised Officers and Designated Officers.....	118

Delegation Register

Shire of Denmark



7	GRAFFITI VANDALISM ACT 2016 DELEGATIONS	119
7.1	Council to CEO	119
7.1.1	Give Notice Requiring Obliteration of Graffiti	119
7.1.2	Notices – Deal with Objections and Give Effect to Notices	120
7.1.3	Obliterate Graffiti on Private Property	121
7.1.4	Powers of Entry	122
8	PUBLIC HEALTH ACT 2016 DELEGATIONS	123
8.1	Council to CEO	123
8.1.1	Enforcement Agency Reports to the Chief Health Officer	123
8.1.2	Designate Authorised Officers	124
9	PLANNING AND DEVELOPMENT ACT 2005 DELEGATIONS	126
9.1	Council to CEO	126
9.1.1	Illegal Development	126
9.2	Local Planning Scheme – Council to CEO	128
9.2.1	Local Planning Scheme	128
10	STATUTORY AUTHORISATIONS AND DELEGATIONS TO LOCAL GOVERNMENT FROM STATE & FEDERAL GOVERNMENT ENTITIES	130
10.1	Environmental Protection Act 1986	130
10.1.1	Noise Control – Environmental Protection Notices [Reg.65(1)]	130
10.1.2	Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events	131
10.1.3	Noise Management Plans – Construction Sites	132
10.2	Planning and Development Act 2005	133
10.2.1	Instrument of Authorisation – Local Government CEOs - Sign Development Applications for Crown Land as Owner	133
10.2.2	WA Planning Commission – Powers of Local Governments - s.15 of the Strata Titles Act 1985 (DEL.2020/01)	136
10.3	Main Roads Act 1930	137
10.3.1	Traffic Management - Events on Roads	137
10.3.2	Traffic Management – Road Works	139
10.4	Road Traffic (Vehicles) Act 2012	141
10.4.1	Approval for Certain Local Government Vehicles as Special Use Vehicles	141
10.5	Australian Citizenship Act 2007	143
10.5.1	Instrument of Authorisation – To Receive a Pledge of Commitment	143
10.6	Emergency Management Act 2005	148
10.6.1	Authorisation of Persons During a State of Emergency	148

1. Local Government Act 1995 Delegations

1 Local Government Act 1995 & Local Government (Miscellaneous Provisions) Act 1960 Delegations

1.1 Council to Committees of Council

1.1.1 Audit Advisory Committee

Commented [CT1]: Replaces Delegation D040231

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

Compliance Links:	<ul style="list-style-type: none"> • Department of Local Government, Sport and Cultural Industries Operational Guideline No. 09 - The appointment, function and responsibilities of Audit Committees • Audit Advisory Committee Terms of Reference
Record Keeping:	Audit Committee Minutes shall record and identify each decision made under this delegation in accordance with the requirements of Administration Regulation 19.

Version Control:

Delegation Register

[Insert Local Government Name]



1. Local Government Act 1995 Delegations

1	Reviewed by Council 21 December 2021
---	--------------------------------------

1.1.2 Code of Conduct Behaviour Complaints Committee

Commented [CT2]: Replaces Delegation 040116

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.16 Delegation of some powers and duties to certain committees
Express Power or Duty Delegated:	<i>Local Government (Model Rules of Conduct) Regulations 2021:</i> r.12 Dealing with a complaint r.13 Dismissal of a complaint
Delegate:	Behaviour Complaints Committee
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>1. Authority to make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [r12 (1) and (3)].</p> <p>In making any finding the Committee must also determine reasons for the finding [r12(7)].</p> <p>2. Where a finding is made that a breach has occurred, authority to:</p> <ol style="list-style-type: none"> Take no further action [r12(7)]. Prepare an implement a plan to address the behaviour of the person to whom the complaint relates [r12(4)(b), (5) and (6)]. <p>3. Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal [r13(1) and (2)].</p>
Council Conditions on this Delegation:	<ol style="list-style-type: none"> The Committee will make decisions in accordance with the principles and specified requirements established in the Code of Conduct Behaviour Complaints Management Policy. That part of a Committee meeting which deals with a complaint will be held behind closed doors in accordance with s5.23(2)(b) of the Act. The Committee is prohibited from exercising this delegation where a Committee Member in attendance at a Committee meeting is either the complainant or respondent to the complaint subject of a Committee agenda item.
Express Power to Sub-Delegate:	Nil.

Delegation Register

[Insert Local Government Name]



1. Local Government Act 1995 Delegations

Compliance Links:	<ul style="list-style-type: none">Department of Local Government, Sport and Cultural Industries Operational Guideline No. 09 - The appointment, function and responsibilities of Audit Committees Behaviour Complaints Committee Terms of Reference
Record Keeping:	Behaviour Complaints Committee Minutes shall record and identify each decision made under this delegation in accordance with the requirements of Administration Regulation 19.

Version Control:

1	Reviewed by Council 21 December 2021
---	--------------------------------------

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

1.2 Council to CEO

1.2.1 Performing Functions Outside the District

Commented [CT3]: New delegation.

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

Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy Chief Executive Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021
---	--

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

1.2.2 Compensation for Damage Incurred when Performing Executive Functions

Commented [CT4]: New delegation.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.22(1) Compensation s.3.23 Arbitration
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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)]. 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 material value of \$5,000.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Deputy Chief Executive Officer • Director Corporate & Community Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021
---	--

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

1.2.3 Powers of Entry

Commented [CT5]: Replaces Delegation D050302.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to exercise powers of 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]. 2. Authority to give notice of entry [s.3.32]. 3. Authority to seek and execute an entry under warrant [s.3.33]. 4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]. 5. Authority to give notice and effect entry by opening a fence [s.3.36].
Council Conditions on this Delegation:	a. Delegated authority under s.3.34(1) and (3) may only be used, where an emergency exists as determined under s.3.34(2).
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> ▪ Deputy Chief Executive Officer ▪ Director Corporate & Community Services ▪ Senior Ranger ▪ Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <u>Local Government Act 1995:</u> s.9.10 Appointment of authorised persons – refer also s.3.32(2)] Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry s.3.34(2) Entry in an emergency – Refer to CEO Delegation
--------------------------	---

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

Record Keeping:	All records must be kept on the appropriate file.
-----------------	---

Version Control:

1	Added by Council Resolution XXX / 21 December 2021
---	--

1.2.4 Declare Vehicle is Abandoned Vehicle Wreck

Commented [CT6]: New delegation.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.40A(4) Abandoned vehicle wreck may be taken
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
Council Conditions on this Delegation:	a. Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.2.5 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Deputy Chief Executive Officer • Director Corporate & Community Services • Senior Ranger • Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
-------------------	---

Record Keeping:	All records must be kept on the appropriate file.
-----------------	---

Version Control:

1	Added by Council Resolution XXX / 21 December 2021
---	--

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

1.2.5 Confiscated or Uncollected Goods

Commented [CT7]: Replaces Delegation D050201

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.42 Impounded non-perishable goods s.3.44 Notice to collect goods if not confiscated s.3.46 Goods May be withheld until costs paid s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to take appropriate action in respect to impounded non-perishable goods [s.3.42]. 2. Authority to give notice that goods may be collected if the offender is not convicted or if the court does not order that the goods be confiscated [s.3.44] 3. 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]. 4. 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]. 5. 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.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Deputy Chief Executive Officer • Director Corporate & Community Services • Manager Community Services • Senior Ranger • Ranger
---	---

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

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

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995: Part 3, Division 3, Subdivision 3 s.3.58 Disposing of Property – applies to the sale of goods under s.3.47 as if they were property referred to in that section.
-------------------	--

Record Keeping:	All records must be kept on the appropriate file.
-----------------	---

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

1.2.6 Disposal of Sick or Injured Animals

Commented [CT8]: New delegation.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)]. 2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Council Conditions on this Delegation:	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:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Director Corporate & Community Services • Senior Ranger • Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995 :Part 3, Division 3, Subdivision 3 s.3.58 Disposing of Property – applies to the sale of goods under s.3.47 as if they were property referred to in that section.
Record Keeping	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

1.2.7 Close Thoroughfares to Vehicles

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.50 Closing certain thoroughfares to vehicles s.3.50A Partial closure of thoroughfare for repairs or maintenance s.3.51 Affected owners to be notified of certain proposals
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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)]. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: <ul style="list-style-type: none"> give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)]. Authority to revoke an order to close a thoroughfare [s.3.50(6)]. 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] 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:	<ol style="list-style-type: none"> 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)]. Maintain access to adjoining land [s.3.52(3)] (relevant to the metropolitan area or a Townsite only). Function 2 only applies to roadworks and maintenance functions (not permanent closures).
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Commented [CT9]: Replaces D120101 and D120112
Previous delegations included condition that temporary closures that exceed 4 weeks were required to be decided by Council.

The difference between less than 4 weeks and more than 4 weeks, is the requirement to provide public notice and consider any submissions. The Shire is also required to advise Main Roads WA and the Minister in relation to a temporary closure of more than 4 weeks.

Delegation of temporary closures of less than and more than 4 weeks is a recommended delegation from the WALGA as it allows for business efficiency. Councillors would be made aware because of the public notice requirements.

Sub-Delegate/s:	• Deputy Chief Executive Officer
------------------------	---

Delegation Register
Shire of Denmark



1. Local Government Act 1995 Delegations

<i>Appointed by CEO</i>	<ul style="list-style-type: none"> Manager Technical Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

1.2.8 Control Reserves and Certain Unvested Facilities

Commented [CT10]: New delegation.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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)]. 2. Authority to do anything for the purpose of controlling and managing land under Shire of Denmark control and management, that the Shire of Denmark could do under s.5 of the <i>Parks and Reserves Act 1895</i>. [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:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Deputy Chief Executive Officer • Manager Sustainable Development • Manager Waste & Reserves
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---



1. Local Government Act 1995 Delegations

1.2.9 Obstruction of Footpaths and Thoroughfares

Commented [CT11]: New delegation.

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

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

	<ul style="list-style-type: none"> i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Deputy Chief Executive Officer • Director Corporate & Community Services • Manager Sustainable Development • Manager Technical Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Uniform Local Provisions) Regulations 1996 Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995
Record Keeping	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

1.2.10 Gates Across Public Thoroughfares

Commented [CT12]: Replaces Delegation D120108

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

Sub-Delegate/s: <i>Appointed by CEO</i>	• Deputy Chief Executive Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
--------------------------	---

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

	<p>Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995</p>
Record Keeping:	All records must be kept on the appropriate file and in the Shire of Denmark's Gate Register.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

1.2.11 Public Thoroughfare – Dangerous Excavations

Commented [CT13]: Replaces Delegation D120110

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)]. 2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)]. 3. Authority to impose conditions on granting permission [ULP r.11(6)]. 4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	• Deputy Chief Executive Officer
CEO Conditions on this Sub-Delegation:	Nil

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

<i>Conditions on the original delegation also apply to the sub-delegations.</i>	
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

1.2.12 Crossing – Construction, Repair and Removal

Commented [CT14]: Replaces Delegation D120111

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

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Deputy Chief Executive Officer • Manager Technical Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995</p>
--------------------------	--

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

	Refer also Delegation 1.4.1 under the <i>Template Activities in Thoroughfares and Public Places and Trading Local Law</i>
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

1.2.13 Private Works on, over or under Public Places

Commented [CT15]: New Delegation

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.17 Private works on, over, or under public places – Sch.9.1 cl.
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)]. 2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Deputy Chief Executive Officer • Manager Sustainable Development
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

	Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

1.2.14 Expressions of Interest for Goods and Services

Commented [CT16]: New Delegation.

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

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Deputy Chief Executive Officer • Director Corporate & Community Services • Manager Technical Services • Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures Council Policy P040220 Purchasing Policy
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

1.2.15 Tenders for Goods and Services – Call Tenders

Commented [CT17]: Replaces Delegation D040217.

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

Delegation Register
Shire of Denmark



1. Local Government Act 1995 Delegations

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Deputy Chief Executive Officer • Director Corporate & Community Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	a. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of their position role and responsibilities.
Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><i>Local Government (Functions and General) Regulations 1996</i> – prescribe applicable statutory procedures</p> <p>WALGA Subscription Service – Procurement Toolkit</p> <p>Council Policy P040220 Purchasing Policy</p>
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---



1. Local Government Act 1995 Delegations

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

Commented [CT18]: Replaces Delegation D040217.

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

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

	<p>goods and services to be supplied, and do not change the scope of the original contract [F&G r.21A(a)].</p> <p>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).</p>
Council Conditions on this Delegation:	<p>a. In accordance with s.5.43(b), tenders may only be accepted under this delegation, where:</p> <ol style="list-style-type: none"> The total consideration under the resulting contract is \$750,000 or less; The expense is included in the adopted Annual Budget; and The tenderer has complied with requirements under F&G r.18(2) and (4). <p>b. A decision to vary a tendered contract <u>before</u> entry into the contract [F&G r.20(1) and (3)] must include evidence that the variation is minor in comparison to the total goods or services that tenderers were invited to supply.</p> <p>c. A decision to renew or extend the contract must only occur where the original contract contained the option to renew or extend its term as per r.11(2)(j) and that the contractor's performance has been reviewed and the review evidences the rationale for entering into the extended term.</p>
Express Power to Sub-Delegate:	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>

Commented [CT19]: Previously \$250,000. Recommend increase to \$750,000.

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> Deputy Chief Executive Officer Director Corporate & Community Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<ol style="list-style-type: none"> 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. Sub-delegation does not apply to functions 5 or 6.
Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><i>Local Government (Functions and General) Regulations 1996</i> – prescribe applicable statutory procedures</p> <p>Council Policy P040220 Purchasing Policy</p> <p>Council Policy 040216 Regional Price Preference Policy</p>
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

1.2.17 Panels of Pre-Qualified Suppliers for Goods and Services

Commented [CT20]: New Delegation.

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

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

	resulting contract is \$250,000 or less and the expense is included in the adopted Annual Budget.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none">• Deputy Chief Executive Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures Council Policy P040220 Purchasing Policy
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---



1. Local Government Act 1995 Delegations

1.2.18 Disposing of Property

Commented [CT21]: Replaces Delegation D040212.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.58(2) & (3) Disposing of Property
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to dispose of property to: <ol style="list-style-type: none"> (a) the highest bidder at public auction [s.3.58(2)(a)]. (b) the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tender [s.3.58(2)(b)] 2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of \$50,000 or less. c. When determining the method of disposal: <ul style="list-style-type: none"> • Where a public auction is determined as the method of disposal: <ol style="list-style-type: none"> o Reserve price has been set by independent valuation. o Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price. • Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method. • Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: <ol style="list-style-type: none"> o Negotiate the sale of the property up to a -10% variance on the valuation; and o Consider any public submissions received and determine if to proceed with the disposal, ensuring reasons for the decision are recorded.

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

	<p>d. Where the market value of the property is determined as being less than \$20,000 (F&G r.30(3) excluded disposal) disposal may be undertaken:</p> <ul style="list-style-type: none"> • Without reference to Council for resolution; and • In any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value then, as a minimum, the disposal must ensure environmentally responsible disposal.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Deputy Chief Executive Officer • Director Corporate & Community Services • Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government Act 1995 – s.3.58 Disposal of Property</p> <p>Local Government (Functions and General) Regulations 1995 – r.30 Dispositions of property excluded from Act s. 3.58</p>
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

1.2.19 Payments from the Municipal or Trust Funds

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to make payments from the municipal or trust funds [r.12(1)(a)].
Council Conditions on this Delegation:	a. Authority to make payments is subject to annual budget limitations. b. Each payment is to be noted on a list compiled for each month showing: i. The payee's name ii. The amount of the payment iii. The date of the payment iv. Sufficient information to identify the transaction. The payment list for each month is to be presented to Council and recorded in the Minutes.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Deputy Chief Executive Officer • Director Corporate & Community Services • Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<ol style="list-style-type: none"> 1. Delegates must comply with any procedures approved by the CEO in accordance with Financial Management Regulation 5. 2. Payments by Cheque and EFT transactions must be approved jointly by two Delegates. 3. Delegates that approve the payment must not verify the liability. The verification of incurring the liability via the purchase order, invoice and evidence of goods / service received, must be undertaken independent of the payment approval.

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995 Local Government (Financial Management) Regulations 1996 - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

1.2.20 Grant Discounts, Waive or Write Off Debts

Commented [CT22]: Replaces Delegation D040226

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.12 Power to defer, grant discounts, waive or write off debts
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Waive a debt which is owed to the Shire of Denmark [s.6.12(1)(b)]. 2. Grant a concession in relation to money which is owed to the Shire of Denmark [s.6.12(1)(b)]. 3. Write off an amount of money which is owed to the Shire of Denmark [s.6.12(1)(c)]
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Write-off a rates or service charge for individual debt up to \$500 and to a total maximum value as adopted in the Council's annual budget under GL1422502. 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 Denmark.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Deputy Chief Executive Officer • Director Corporate & Community Services • Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<ol style="list-style-type: none"> 1. Delegates may only waive fees and charges related to their operational responsibilities.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Added by Council Resolution XXX / 21 December 2021.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

1.2.21 Power to Invest and Manage Investments

Commented [CT23]: Replaces Delegation D030201.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996:</i> r.19 Investments, control procedures for
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)]. 2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. All investment activity must comply with the Financial Management Regulation 19C and Council Policy P040229. 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 for Council and included in the Minutes. c. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. d. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit Advisory Committee at least once within every 3 financial years. [Audit r.17]
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Deputy Chief Executive Officer • Director Corporate & Community Services • Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Financial Management) Regulations 1996 – refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a)) Council Policy P040229 – Investment Policy
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

1.2.22 Rate Record Amendment

Commented [CT24]: Replaces Delegation D030201.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.39(2)(b) Rate record
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)].
Council Conditions on this Delegation:	a. Delegates must comply with the requirements of s.6.40 of the Act.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Director Corporate & Community Services • Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995 – s.6.40 prescribes consequential actions that may be required following a decision to amend the rate record. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

1.2.23 Agreement as to Payment of Rates and Service Charges

Commented [CT25]: Replaces Delegation D030101.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.49 Agreement as to payment of rates and service charges
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
Council Conditions on this Delegation:	a. Agreements must be in writing and acquittal of the rates or service charge debt must be before the next annual rates or service charges are levied.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Director Corporate & Community Services • Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Council Financial Hardship Policy Council Debt Collection Policy
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

1.2.24 Determine Due Date for Rates or Service Charges

Commented [CT26]: Replaces Delegation D030101.

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

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Director Corporate & Community Services • Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

1.2.25 Recovery of Rates or Service Charges

Commented [CT27]: Replaces Delegation D030101.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.56 Rates or service charges recoverable in court s.6.64(3) Actions to be taken
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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)]. 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:	a. Decisions under this delegation must comply with Council's Debt Collection Policy.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> Director Corporate & Community Services Deputy Chief Executive Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Council Debt Collection Policy
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

1.2.26 Recovery of Rates Debts – Require Lessee to Pay Rent

Commented [CT28]: Replaces Delegation D030101.

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

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Director Corporate & Community Services • Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995 – refer sections 6.61 and 6.62 and Schedule 6.2 prescribe procedures relevant to exercise of authority under s.6.60. Council Debt Collection Policy.
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

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

Commented [CT29]: New Delegation – recommended by WALGA.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.64(1) Actions to be taken s.6.69(2) Right to pay rates, service charges and costs, and stay proceedings s.6.71 Power to transfer land to Crown or local government s.6.74 Power to have land revested in Crown if rates in arrears 3 years
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to take possession of land and hold the land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years [s.6.64(1)], including: <ol style="list-style-type: none"> i. lease the land, or ii. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: <ol style="list-style-type: none"> I. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or II. cause the land to be transferred to the Shire of Denmark [s.6.71]. 2. Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, service charges and costs within 7 days of and prior to the proposed sale [s.6.69(2)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Decisions under this delegation must comply with Council Debt Collection Policy. b. In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale <u>without having</u>, within the previous 3-years attempted to recover the outstanding rates / charges through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes. c. Exercise of this delegation must comply with the procedures set out in Schedule 6.3 of the <i>Local Government Act 1995</i>.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995 – Part 6, Division 6 Subdivision 6 and Schedule.6.3 prescribe procedures relevant to exercise of authority under this delegation. Local Government (Financial Management) Regulations 1996 – regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation. Council Debt Collection Policy. Council Financial Hardship Policy.
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

1.2.28 Rate Record – Objections

Commented [CT30]: Replaces Delegation D030101.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.76 Grounds of objection
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)]. 2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Director Corporate & Community Services • Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

1.2.29 Code of Conduct Behaviour Complaints

Commented [CT31]: Replaces Delegation D040115.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Model Rules of Conduct) Regulations 2021:</i> r.11(2)(a) and r.11(3) Complaint about alleged breach
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to approve a behaviour complaint form [r.11(2)(a)]. 2. Authority to authorise one or more persons to receive complaints and withdrawal of complaints [r.11(3)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	• Director Corporate & Community Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

1.2.30 Appointment of Rangers and Pound Keepers

Commented [CT32]: Replaces Delegation D050204.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Miscellaneous Provisions) Act 1960:</i> s.449 Pounds, establishing; poundkeepers and rangers, appointing s.451 Closing pounds and dismissing poundkeepers or rangers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to establish and maintain one or more public pounds and appoint fit and proper persons to be keepers of those pounds and may appoint a ranger or rangers [s.449]. 2. Authority to close a public pound and dismiss the poundkeeper and rangers [s.451].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. s.450 Local Government (Miscellaneous Provisions) Act 1960 – public notice
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



1. Local Government Act 1995 Delegations

1.2.31 Execution of Documents

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995</i> s.9.49A(4) Execution of Documents s.9.49B Contract Formalities
Delegates:	<ul style="list-style-type: none"> • Chief Executive Officer • Deputy Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to sign documents on behalf of the local government [s.9.49A(4)]. 2. Authority to make, vary or discharge a contract [9.49B].
Council Conditions on this Delegation:	a. Documents are limited to those that do <u>not</u> require the Shire of Denmark's Common Seal.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



1.3 CEO to Employees

1.3.1 Determine if an Emergency for Emergency Powers of Entry

Commented [CT33]: New sub delegation

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.34(2) Entry in emergency
Delegate/s:	<ul style="list-style-type: none"> • Deputy Chief Executive Officer • Director Corporate & Community Services
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions [s.3.34(2)].
CEO Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



1.3.2 Electoral Enrolment Eligibility Claims and Electoral Roll

Commented [CT34]: New Delegation.

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

Delegation Register

Shire of Denmark



	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.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

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

Commented [CT35]: New Delegation – recommended by WALGA.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)
Delegate/s:	<ul style="list-style-type: none"> • Deputy Chief Executive Officer • Manager Technical Services
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.2.10:</p> <ol style="list-style-type: none"> 1. Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP r.6(4)(d)]. 2. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b)]. 3. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs

Delegation Register

Shire of Denmark



	are to the satisfaction of the local government [ULP r.6(5)(d)].
CEO Conditions on this Delegation:	<p>a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.9 Obstruction of Footpaths and Thoroughfares.</p> <p>b. Actions under this Delegation must comply with the procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>.</p>
Express Power to Sub-Delegate:	Nil.

Compliance Links:	<p>This delegated authority is effective only in alignment with Delegated Authority 1.2.10 Obstructions of Footpaths and Thoroughfares.</p> <p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government (Uniform Local Provisions) Regulations 1996</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i></p>
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



1.3.4 Information to be Available to the Public

Commented [CT36]: New Delegation.

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

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
--------------------------	---

Delegation Register

Shire of Denmark



Record Keeping:	All records must be kept on the appropriate file.
-----------------	---

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



1.3.5 Financial Management Systems and Procedures

Commented [CT37]: Replaces Delegation D040221

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Financial Management) Regulations 1996:</i> r.5 CEO's Duties as to financial management
Delegate/s:	Director Corporate & Community Services
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to establish systems and procedures [FM r.5] that give effect to internal controls and risk mitigation for the: <ol style="list-style-type: none"> i. Collection of money owed to the Shire of Denmark; ii. Safe custody and security of money collected or held by the Shire of Denmark; iii. Maintenance and security of all financial records, including payroll, stock control and costing records; iv. Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities; v. Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards; vi. Making of payments; vii. Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements.
CEO Conditions on this Delegation:	<ol style="list-style-type: none"> a. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. b. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within each 3 financial years. [Audit r.17]
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



1.3.6 Audit – CEO Review of Systems and Procedures

Commented [CT38]: New Delegation

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Audit) Regulations 1996:</i> r.17 CEO to review certain systems and procedures
Delegate/s:	Director Corporate & Community Services
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to conduct the review of the appropriateness and effectiveness of the Shire of Denmark's systems and procedures in relation to <ol style="list-style-type: none"> i. risk management; and ii. internal controls; and iii. legislative compliance [r.17(1)].
CEO Conditions on this Delegation:	a. Each matter is to be reviewed at least once within every 3 financial years, with a report on each matter to be provided to the Audit and Risk Committee that details the findings, including any identified deficiencies, and actions required.
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



1.3.7 Infringement Notices – Extension of Time and Withdrawals

Commented [CT39]: Replaces Delegation D050305 (in part)

Appointments under s9.10 are now made by the CEO not Council (as per 2019 amendment).

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.9.19 Extension of Time s.9.20 Withdrawal of Notice
Delegate/s:	<ul style="list-style-type: none"> • Deputy Chief Executive Officer • Director Corporate & Community Services • Manager Community Services • Manager Sustainable Development • Principal Building Surveyor
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to extend the 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]. 2. 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:	<ol style="list-style-type: none"> a. An Authorised Person who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this Delegation. c. The following listed positions are delegated the functions under s.9.19 and s.9.20 only as a <u>precondition for appointment</u> as an “Approved Officer” in accordance with <i>Building Regulation 70(1)</i> for the purposes of the <i>Criminal Procedure Act 2004</i> section 6(a) and <i>Building Act 2011</i> Infringement Notices: <ul style="list-style-type: none"> (i) Principal Building Surveyor <p>NOTE: Delegates must also be appointed as an “Approved Officer” – appointment to be determined by Council resolution or by a person with delegated authority under Delegation 2.1.11.</p>
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All records must be kept on the appropriate file.

Version Control:



1	Added by Council Resolution XXX / 21 December 2021.
---	---

1.4 Local Law Delegations to the CEO

1.4.1 Activities in Thoroughfares & Trading in Thoroughfares & Public Places Local Law

Commented [CT40]: Replaces Delegation D100602

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Activities in Thoroughfares and Public Places and Trading Local Law:</i> cl.2.5(2) Removal of redundant crossing cl.2.6 Interpretation – “acceptable material” cl.2.11 Notice to owner or occupier cl.2.15 Assignment of numbers cl.2.17(1) Signs cl.5.3 Declaration of flora road cl.5.5 Signposting of flora roads cl.5.7 Designation of special environmental areas cl.7.1 Application for Permit cl.7.2 Decision on application for permit cl.7.3 Conditions which may be imposed on a permit cl.7.5 Compliance with and variation of conditions cl.7.7 Renewal of permit cl.7.8 Transfer of permit cl.7.10 Cancellation of permit cl.9.1 Notice to redirect or repair sprinkler cl.9.2 Hazardous plants cl.9.3 Notice to repair damage to thoroughfare cl.9.4 Notice to remove thing unlawfully placed on thoroughfare cl.10.2 Local government may undertake requirements of notice
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>1. General Activity Control</p> <p>1A. Authority, limit to permits subject of this delegation, to:</p> <ol style="list-style-type: none"> a. determine the form of a permit application [cl.7.1(1)(a)]; b. require an applicant to provide additional information reasonably required to determine the application [cl.7.1(3)]; c. require a permit applicant to give local public notice of the application for a permit [cl.7.1(4)]; d. refuse to consider a permit application which is not in accordance with the application form or fee requirements [cl.7.1(4)]; e. determine the form of the permit [cl.7.2(2)]. <p>1B. Authority to approve [cl.7.2], renew [cl.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] permits, subject to conditions either prescribed in the Local Law [cl. 7.3] or a</p>



	<p>Policy adopted under cl.7.4 or determined as appropriate [cl.7.2(4)], limited to:</p> <ul style="list-style-type: none"> a. Temporary vehicle crossing [cl.2.4(1)] b. Any activity described as requiring a permit under cl.2.2(1); c. Drive or take a vehicle on a closed thoroughfare [cl.2.19]; d. Erect or place an advertising or directional sign [cl.3.2] e. Use of portable signs [cl.3.4]; f. Erection or placement of an Election Sign on a thoroughfare [cl.3.5]; g. Leave an animal or vehicle in a public place or local government property [cl.4.1(1)]; h. Clear and maintain in a cleared state, the surface of a thoroughfare within 1m of the person's land [cl.5.11]. i. Burn, subject to the <i>Bush Fires Act 1954</i>, slash or apply herbicides to part of a thoroughfare to reduce fire hazard, with the method approved to be beneficial to the preservation and conservation of native flora and fauna [cl.5.15] j. Construct firebreaks on a thoroughfare [cl.5.17] k. Conduct a stall on a public place [cl.6.2] l. Carry on trading in a public place [cl.6.3.] m. Establish or conduct a <i>facility</i> on any part of a public place [cl.6.10] <p>1C. Authority to determine conditions [cl.7.2(4)] to be complied with by a permit holder, and to vary conditions [cl.7.5]</p> <p>1D. Authority to exempt a person from requiring a permit under cl.2.2(1) [cl.2.2(2)].</p> <p>2. Use of Public Places</p> <p>2A. Authority to determine conditions of use of a public place and to erect a sign to give effect to that decision [cl.2.17(1)].</p> <p>3. Crossings</p> <p>3A. Authority to give written notice, requiring an owner or occupier to remove any part or all of a crossing which does not give access to the land and reinstate the kerb, drain,</p>
--	---



	<p>footpath, verge and other thoroughfare infrastructure [cl.2.5(2)].</p> <p>4. Thoroughfares and Verges</p> <p>4A. Authority to determine and maintain the list of “acceptable materials” which may be used as a verge treatment to create a hard stand and stable surface [cl.2.6].</p> <p>4B. Authority to give notice to an owner or occupier to make good the verge abutting their property, which is in breach of a provision of Verge Treatment requirements [cl.2.11].</p> <p>4C. Authority to assign a number to a lot and to assign another number to the lot instead of that previously assigned [cl.2.15].</p> <p>4D. Authority to give notice to the owner or occupier of land abutting a thoroughfare to:</p> <ul style="list-style-type: none"> a. Alter the direction of a sprinkler or other watering equipment [cl.9.1]; b. Remove, cut, move or otherwise deal with a plant that is causing a hazard for any person using a thoroughfare [cl.9.2]; <p>4E. Authority to give notice to the owner or occupier of land abutting a thoroughfare, or any such person who may be responsible, to:</p> <ul style="list-style-type: none"> Repair or replace that portion of a thoroughfare, which a person has caused damage to [cl.9.3]; Remove any thing placed in a thoroughfare in contravention of this Local Law [cl.9.4]. <p>4F. Authority to do the thing specified in a notice, where a person fails to comply with the notice, and recover from the person as a debt, the costs incurred in doing so [cl.10.2].</p> <p>5. Flora and Fauna within Thoroughfares</p> <p>5A. Authority to declare a flora road and to signpost it, where roadside vegetation is determined as high quality [cl.5.3 and cl.5.5].</p> <p>5B. Authority to designate a thoroughfare, or any part of a thoroughfare, as a special environmental area which has protected or rare flora or fauna or has environmental, aesthetic or cultural significance [cl.5.7].</p> <p>5C. Authority to approve [cl.7.2], renew [c;.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] Permits, subject to conditions either prescribed in the Local Law [cl. 7.3] or a policy adopted under cl.7.4 or determined as appropriate [cl.7.2(4)], limited to:</p> <ul style="list-style-type: none"> a. Collecting native flora and / or native flora seeds [cl.5.20];
--	--

Delegation Register

Shire of Denmark



	<p>b. Planting or sowing any plant seeds in a thoroughfare [cl.5.9].</p> <p>5D. Authority to determine conditions [cl.7.2(4) and cl.7.8] to be complied with by a permit holder, and to vary conditions [cl.7.5]</p>
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Deputy Chief Executive Officer • Manager Sustainable Development • Manager Technical Services • Environmental Health Officer • Senior Town Planner
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	a. Delegation to the Environmental Health Officer and Senior Town Planner is limited to 1B, k, l and m.

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

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---



1.4.2 Local Government Property Local Law

Commented [CT41]: Replaces Delegation D110201

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Property Local Law:</i> cl.3.2 Application for permit cl.3.3 Decision on application for permit cl.3.4 Conditions which may be imposed on a permit cl.3.6 Variations of conditions cl.3.9 Renewal of permit cl.3.10 Transfer of permit cl.3.12 Cancellation of permit cl.4.6 Signs cl.8.4(1) Liability for damage to local government property – notice cl.8.4(2) Liability for damage to local government property – cost recovery cl.9.2 Local Government may undertake requirements of notice
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to <ol style="list-style-type: none"> 1. determine form of application [cl.3.2(2)(a)]. 2. request the applicant to provide additional information [cl.3.2(3)]. 3. require an applicant to give local public notice [cl.3.2(4)]. 4. refuse to consider an application for a permit which is not in accordance with subclause (2) [cl.3.2(5)]. 5. refuse or approve an application [cl.3.3]. 6. place conditions on a permit [cl.3.4]. 7. vary conditions of a permit [cl.3.6]. 8. renew [cl.3.9], transfer [cl.3.10] or cancel [cl.3.12] a permit 9. erect a sign on local government property specifying any conditions of use which apply to that property [cl.4.6]. 10. issue a notice in writing to a person who unlawfully damages local government property [cl.8.4(1)]. 11. on failure to comply with notice, recover the costs from the person as a debt [cl.8.4(2)]. 12. do the thing specified in the notice and recover from the person as a debt, if a person fails to do the thing required in the notice [cl.9.2].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s:	• Deputy Chief Executive Officer
------------------------	---

Delegation Register

Shire of Denmark



Appointed by CEO	<ul style="list-style-type: none"> • Director Corporate & Community Services • Manager Community Services • Manager Sustainable Development • Senior Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

1.4.3 Local Government Parking & Parking Facilities Local Law

Commented [CT42]: Replaces Delegation 120301.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Parking & Parking Facilities Local Law:</i> cl.4.2 Unauthorized signs and defacing of signs cl3.16 Parking on reserves
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to: 1. authorise a person to park or drive a vehicle upon or over any portion of a reserve [cl.3.16] 2. authorise a person make changes to a sign, board, placard or notice of the local government [cl.4.2].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Deputy Chief Executive Officer • Manager Sustainable Development • Manager Technical Services
CEO Conditions on this Sub-Delegation:	Nil

Delegation Register

Shire of Denmark



<i>Conditions on the original delegation also apply to the sub-delegations.</i>	
---	--

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

1.4.4 Fencing Local Law

Commented [CT43]: Replaces Delegation D130309

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Fencing Local Law:</i> cl.10 General Discretion of the Local Government cl.13 Requirements for Licence for electrified and razor wire fences cl.15 Cancellation of Licence cl.16 Notices of Breach
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to: 1. consent to the erection or repair of a fence which does not comply with the requirements of the Local Law [cl.10(1)]. 2. Approve or refuse applications for a licence [cl.13]. 3. Cancel a licence as provided for under clause 13 [cl.15]. 4. give a notice of breach in writing to the owner or occupier [cl.16(1)] and take any actions required [cl.16(3)]
Council Conditions on this Delegation:	a. compliance with cl.10(2) when exercising discretion under cl.10. b. a notice issued under cl.16(1) shall comply with the requirements under cl.16(2).
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Deputy Chief Executive Officer • Director Corporate & Community Services • Manager Sustainable Development • Manager Community Services • Principal Building Surveyor
---	--

Delegation Register

Shire of Denmark



CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

1.4.5 Extractive Industries **Local Law**

Commented [CT44]: Replaces Delegation D130801

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Extractive Industries Local Law:</i> cl.2.2(1)(a) Determine the form of a notice cl.2.2(2) Cause a notice to be displayed cl.2.3(1) Determine the form of a licence application cl.3.1 Determination of Application cl.3.1(3)(b) Form of Licence cl.4.1 Transfer of Licence cl.4.2 Cancellation of Licence cl.4.3 Renewal of Licence cl.5.1 Security for Restoration and Reinstatement cl.5.2 Use by the Local Government of Secured Sum cl.6.1 Limits on Excavation Near Boundary cl.6.2(a) Obligations of the Licensee – fencing cl.6.2(b) Obligations of the Licensee – warning signs cl.6.2(c) Obligations of the Licensee – drainage cl.6.3 Prohibitions cl.6.4 Blasting
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to: 1. Determine the form of a notice required to be circulated by the applicant in accordance with cl.2.2 [cl.2.2(1)]. 2. Cause an applicant to display a notice [cl.2.2(2)]. 3. Determine the form of a licence application [cl.2.3(1)]. 4. Refuse to consider, refuse or approve a licence application, including the licence period and conditions [cl.3.1]. 5. Determine the form of a licence [cl.3.1(3)(b)]. 6. Require information from the licensee and refuse or approve an application for licence transfer [cl.4.1]. 7. Cancel a licence [cl.4.2]. 8. Renew a licence [c.4.3].

Delegation Register

Shire of Denmark



	<ol style="list-style-type: none"> 9. Require the licensee to pay a bond, bank guarantee or other security and determine the sum to be paid, into a dedicated fund established by the local government [cl.5.1]. 10. Demand reimbursement costs for or apply payments made under cl.5.1 towards the cost of the local government carrying out any restoration and reinstatement work that remains undone by the licensee [cl.5.2]. 11. Approve or refuse applications to excavate near a boundary [cl.6.1]. 12. Require the licensee to securely fence the excavation [cl.6.2(a)]. 13. Require the licensee to erect and maintain warning signs [cl.6.2(b)]. 14. Require the licensee to drain and keep drained any excavation so as to prevent the accumulation of water [cl.6.2(c)]. 15. Approve or refuse applications for prohibited activities [cl.6.3]. 16. Approve or refuse applications for blasting [cl.6.4].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Deputy Chief Executive Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



1.4.6 Pest Plants Local Law

Commented [CT45]: Replaces Delegation D130801

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Pest Plants Local Law:</i> cl.(6) serve notice on owner or occupier cl.(7)(a) eradicate pest plant if failure to comply with notice cl.(7)(b) recover eradication expenses from owner or occupier
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to: 1. Serve a notice on the owner or occupier of private land requiring him/her to destroy, eradicate or otherwise control any pest plant on that land [cl.(6)]. 2. Destroy, eradicate or control the pest plant that was subject to the notice, should the owner or occupier failure to comply [cl.(7)(a)]. 3. Recover in court from the owner or occupier the expense of such destruction, eradication or control [cl.(7)(b)].
Council Conditions on this Delegation:	a. Notice to be in the form as per the Second Schedule of the Local Law.
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Deputy Chief Executive Officer • Sustainability Officer • Manager Community Services • Senior Ranger • Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	a. Sub-delegation only extends to cl.(6) and cl.(7)(a).

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---



1.4.7 Health Local Law

Commented [CT46]: Replaces Delegation D130309

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Health Local Law:</i> cl.3.2.4(4) Ventilation (notices) cl.3.3.1(1) Approval of water supply cl.4.1.5 Approval for Septic Tank Pumpouts and Removal of Liquid Waste cl.4.2.6 Use of other Containers cl.4.2.6(2)(a) Use of Receptacles cl.4.2.7(1) Suitable Enclosure cl.4.2.10 Burning Rubbish or Refuse cl.5.2.4 Cats cl.5.3.2 Keeping of Large Animals cl.5.4.2 Keeping of Poultry and Pigeons cl.5.4.4(1) Roosters, Geese, Turkeys, Peafowls and Gamebirds cl.5.4.4(4) Revoke approval under cl.5.4.4(1) cl.5.4.6(1) Removal of Non-Conforming Structure or Enclosure cl.5.4.7(1) Restrictions on Pigeon Nesting or Perching cl.5.5.2(1) Feedlots cl.5.6.2(1) Piggeries cl.5.7.2(2) Car Parks cl.6.1.5 Flies – Execute Work and Recover Costs cl.6.2.3 Mosquitoes – Execute Work and Recover Costs cl.6.7.2(1) Restrictions on keeping of bees in hives cl.6.7.2(2) Removal of bee hives Part 7 – Infectious Diseases cl.8.1.4 Applications for Lodging House cl.8.1.7(1) Revoke a Lodging House approval cl.8.1.7(3) Issue show cause notice prior to revocation cl.8.3.3 Report of lodgers cl.9.1.5 Applications to establish an offensive trade cl.9.1.7 Alterations to Premises (offensive trade) cl.9.4.2 Receiving Depot (laundry, dry cleaning or dye works)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to: <ol style="list-style-type: none"> 1. Issue a notice to require an owner of a house to provide a different or additional method of ventilation or cease using the house until it is properly ventilated [cl.3.2.4(4)]. 2. Approve a water supply other than one that is connected to the mains of a licensed water service provider [cl.3.3.1(1)]. 3. Grant or refuse a carrier application to collect, remove or dispose of the contents of a septic tank, the pumpouts from holdings tanks or an apparatus for the treatment of sewerage [cl.4.1.5]. 4. Approve or refuse the use of a container, other than a receptacle, for the deposit of rubbish or refuse, in the case of premises consisting of more than 3 dwellings, any premises used for commercial or industrial purposes or a food premises [cl.4.2.6]. 5. Permit to be deposited in a container anything specified in cl.4.2.4(a)(ii) to (xiii) [cl.4.2.6(2)(a)].

Delegation Register

Shire of Denmark



	<ol style="list-style-type: none">6. Require an owner or occupier to provide a suitable enclosure for the storage and cleaning of receptacles on the premises [cl.4.2.7(1)].7. Approve or refuse a request to burn rubbish or refuse in any incinerator or on the ground [cl.4.2.10(1)].8. Exempt a person to keep more than 2 cats at a premises and apply conditions to any exemption [cl.5.2.4].9. Approve or refuse an application to keep a horse, cow or large animal at a premises within the a townsite [cl.5.3.2].10. Approve or refuse an application to keep more than 12 poultry or pigeons within a townsite and apply any conditions to any approval as detailed under cl.5.4.3 [cl.5.4.2].11. Grant, with or without conditions, approval to keep a rooster, a goose or gander, a turkey, a peacock or peahen or gamebird at a premises within a townsite [cl.5.4.4(1)].12. Revoke any approval under cl.5.4.4(1).13. Direct an owner or occupier to remove a non-conforming structure or enclosure [cl.5.4.6(1)].14. Order an owner or occupier of a house to take adequate steps to prevent pigeons nesting or perching in or on a house [cl.5.4.7(1)].15. Approve a premises to be used for a feedlot, subject to conditions in cl.5.5.2(2) and (3).16. Approve a premises to be used as a piggery, subject to conditions in cl.5.6.2(2) and (3).17. Require the owner or occupier of a car park to provide a different or additional method of ventilation and cease using the car park until the matter is rectified [cl.5.7.2(2)].18. Execute work and recover costs, where a person fails or neglects to comply with a notice to control, eradicate or prevent breeding flies [cl.6.1.5].19. Execute work and recover costs, where a person fails or neglects to comply with a notice to control, eradicate or prevent breeding mosquitoes [cl.6.1.5].20. Grant approval to a person to keep bees [cl.6.7.2(1)].21. Direct any bee hives to be removed [cl.6.7.2(2)].22. Execute work and recover costs, where a person fails or neglects to comply with a notice given under Part 7, Division 1 [Part 7].23. Approve or refuse an application for registration of a lodging house, with or without conditions [cl.8.1.4].24. Revoke a registration approval [cl.8.1.7(1)].25. Prior to revocation, issue a notice requiring the keeper to show cause as to why the registration should not be revoked [cl.8.1.7(3)].26. Require a keeper to provide a report detailing the name of each lodger who lodged in the lodging house during the preceding day or night [cl.8.3.3].27. Approve or refuse applications to establish an offensive trade [cl.9.1.5].28. Grant or refuse permission a person to change or alter a registered premises [cl.9.1.7].
--	---

Delegation Register

Shire of Denmark



	29. Permit or refuse an owner or occupier to use a premises as a receiving depot for a laundry, dry cleaning establishment or dye works [cl.9.4.2].
Council Conditions on this Delegation:	<ul style="list-style-type: none"> a. Function 7 is subject to conditions detailed under cl.4.2.10(2). b. Function 8 is subject to conditions detailed under cl.5.2.4(3) and cl.5.2.4(5). c. Function 27 – applications in prescribed form and in accordance with Town Planning Scheme [cl.9.1.2].
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Deputy Chief Executive Officer • Director Corporate & Community Services • Manager Sustainable Development • Principal Environmental Health Officer • Principal Building Surveyor • Senior Town Planner
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<ul style="list-style-type: none"> a. Deputy Chief Executive Officer delegated functions limited to 5 to 13, 15, 16, 18 to 29. b. Director Corporate & Community Services delegated functions limited to 8 to 13. c. Manager Sustainable Development delegated functions limited to 6, 15, 16, 20, 23 to 29. d. Principal Environmental Health Officer delegated functions limited to 1 to 5, 7, 14 and 17. e. Principal Building Surveyor delegated functions limited to 1 and 17. f. Senior Town Planner delegated functions limited to 6, 23 to 26 and 29.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---



2. Building Act 2011 Delegations

2 Building Act 2011 Delegations

2.1 Council to CEO

2.1.1 Grant a Building Permit

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

Delegation Register
Shire of Denmark



2. Building Act 2011 Delegations

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Deputy Chief Executive Officer • Manager Sustainable Development • Principal Building Surveyor • Customer Service Officer – Sustainable Development
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	a. The extent of authority for Customer Service Officers is s18 ONLY.

Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---



2. Building Act 2011 Delegations

2.1.2 Demolition Permits

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

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Deputy Chief Executive Officer • Manager Sustainable Development
---	---



2. Building Act 2011 Delegations

	<ul style="list-style-type: none"> • Principal Building Surveyor • Customer Service Officer – Sustainable Development
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	a. The extent of authority for Customer Service Officers is s18 ONLY.

Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---



2. Building Act 2011 Delegations

2.1.3 Occupancy Permits or Building Approval Certificates

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

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Deputy Chief Executive Officer • Manager Sustainable Development • Principal Building Surveyor • Customer Service Officer – Sustainable Development
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	a. The extent of authority for Customer Service Officers is s18 ONLY.

Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.

Delegation Register

Shire of Denmark



2. Building Act 2011 Delegations

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

2.1.4 Finishes of Walls Close to Boundaries

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.88 Finishes of walls close to boundaries
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to impose a condition or make a building order to specify the way in which an outward facing side of a particular wall must be finished [s.88].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Deputy Chief Executive Officer • Manager Sustainable Development • Principal Building Surveyor • Senior Town Planner • Town Planner
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---



2. Building Act 2011 Delegations

2.1.5 Designate Employees as Authorised Persons

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

Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Not applicable.

Compliance Links:	s.97 each designated authorised person must have an identity card.
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---



2. Building Act 2011 Delegations

2.1.6 Building Orders

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

Delegation Register
Shire of Denmark



2. Building Act 2011 Delegations

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Deputy Chief Executive Officer • Manager Sustainable Development • Principal Building Surveyor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	a. Principal Building Surveyor authority EXCLUDES s.118 and s. 133.

Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



2. Building Act 2011 Delegations

2.1.7 Inspection and Copies of Building Records

Commented [CT47]: New Delegation.

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

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Deputy Chief Executive Officer • Manager Sustainable Development • Principal Building Surveyor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	s.146 Confidentiality
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



2. Building Act 2011 Delegations

2.1.8 Referrals and Issuing Certificates

Commented [CT48]: New Delegation

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

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Deputy Chief Executive Officer • Manager Sustainable Development • Principal Building Surveyor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	a. The Deputy Chief Executive Officer and Manager Sustainable Development have delegation of s.145A(1) only.

Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---



2. Building Act 2011 Delegations

2.1.9 Private Pool Barrier – Alternative and Performance Solutions

Commented [CT49]: New Delegation

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

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Deputy Chief Executive Officer • Manager Sustainable Development • Principal Building Surveyor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil
Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---



2. Building Act 2011 Delegations

2.1.10 Smoke Alarms – Alternative Solutions

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

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Deputy Chief Executive Officer • Manager Sustainable Development • Principal Building Surveyor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---



2. Building Act 2011 Delegations

2.1.11 Appointment of approved officers and authorised officers

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

Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	r 70(3) each authorised officer must be issued a certificate of appointment. Nil
Record Keeping:	All records must be kept on the appropriate file. Register

Version Control:	
1	Added by Council Resolution XXX / 21 December 2021.



3 Bush Fires Act 1954 Delegations

3.1 Council to CEO, Mayor and Bush Fire Control Officer

3.1.1 Make Request to FES Commissioner – Control of Fire

Commented [CT50]: New Delegation

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.13(4) Duties and powers of bush fire liaison officers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to request on behalf of the Shire of Denmark 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)

Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



3.1.2 Prohibited Burning Times - Vary

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government s.17(10) Prohibited burning times may be declared by Minister (power of delegation to mayor or president and Chief Bush Fire Control Officer for ONLY powers under s.17(7) and (8))
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.17(7) Prohibited burning times may be declared by Minister <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
Delegate:	Shire President and Chief Bush Fire Control Officer (jointly)
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer [s.17(7)].
Council Conditions on this Delegation:	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). Nil
Express Power to Sub-Delegate:	Nil – Sub-delegation is prohibited by s.48(3)

Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---



3.1.3 Prohibited Burning Times – Control Activities

Commented [CT51]: Replaces Delegation D050108 plus adds some new delegations.

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

Delegation Register

Shire of Denmark



Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---



3.1.4 Restricted Burning Times – Vary and Control Activities

Commented [CT52]: New Delegation

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

Delegation Register

Shire of Denmark



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

Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---



3.1.5 Firebreaks

Commented [CT53]: Replaces Delegations D050102 and D050111

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.33 Local government may require occupier of land to plough or clear fire-breaks
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Shire of Denmark: <ol style="list-style-type: none"> a. clearing of firebreaks as determined necessary and specified in the notice; and b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and c. as a separate or coordinated action with any other person carry out similar actions [s.33(1)]. 2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)]. <ol style="list-style-type: none"> a. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].
Council Conditions on this Delegation:	Expenses to be recovered for work undertaken in accordance with s.33(4) or s.33(6) are subject to the following actions; <ol style="list-style-type: none"> a. Appropriate action and investigation need to be made prior to performing hazard reduction work on private property including: <ol style="list-style-type: none"> a. Completion of a Request Form if work is requested by an owner / occupier; b. Completion of a Prescription Guidelines Form detailing (but not limited to); <ol style="list-style-type: none"> i. Identification of special circumstances and risks; ii. Formulation of special conditions; iii. Identification of a responsible bush fire control officer or authorised brigade officer; and iv. The costs of the works to be performed. b. The cost of any works to be undertaken pursuant to section 33(4) must be ascertained and fixed, prior to any work commencing and on a certificate signed by the Shire President. c. A direction must be given to provide authority to a third party to carry out any works for the removal or abatement of a fire

Delegation Register

Shire of Denmark



	danger on private property, including hazard reduction burning. d. The payment for cost of the works shall be arranged with the owner / occupier by the Shire and paid to the third party who performs the work.
Express Power to Sub-Delegate:	Nil – Sub-delegation is prohibited by s.48(3)

Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



3.1.6 Recovery of Expenses Incurred through Contraventions of this Act

Commented [CT54]: New Delegation

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

Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



3.1.7 Prosecution of Offences, Issuing of Infringements and Withdrawals

Commented [CT55]: Replaces Delegation D050105

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government s.59(3) Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.59 Prosecution of offences s.59A(2) Alternative procedure – infringement notices
Delegates:	Chief Executive Officer Director Corporate & Community Services Community Emergency Services Manager Senior Ranger Ranger Bush Fire Control Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59]. 2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil

Compliance Links:	Regulation 4(a) – Bush Fires (Infringements) Regulations 1978 – a prescribed officer for the purposes of withdrawal is the Chief Executive Officer or the Shire President.
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



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

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government <i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.38 Local Government may appoint bush fire control officer cl.3.12 Shire of Denmark Bush Fire Brigades Local Law
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and <ol style="list-style-type: none"> a. Of those Officers, appoint one as the Chief Bush Fire Control Officer and one as the Deputy Chief Bush Fire Control Officer; and b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)]. 2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire of Denmark [s.38(5A)] 3. Authority to appoint a Fire Weather Officer, selected from Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)]. <ol style="list-style-type: none"> a. Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)]. 4. Authority to receive the recommendations from the Bush Fire Advisory Committee for the appointment of Fire Control Officers and Fire Weather Officers, but is not bound to appoint the persons nominated [cl.3.12].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil – Sub-delegation is prohibited by s.48(3)

Commented [CT56]: Replaces Delegation D050109 which was not a delegation. Delegation D050109 was a record of the officers appointed by the Council under s.38 of the Bush Fires Act.

Recommended new Delegation 3.1.8 to permit the CEO to appoint.

Compliance Links:	
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

Delegation Register

Shire of Denmark



1	Added by Council Resolution XXX / 21 December 2021.
---	---

3.1.9 Prosecution of Offences

Commented [CT57]: Replaces Delegation D050105

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

Compliance Links:	<i>Bush Fires Act 1954:</i> s.65 Proof of certain matters s.66 Proof of ownership or occupancy <i>Bush Fires (Infringements) Regulations 1978</i> r.5 prescribed forms
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---



4 Cat Act 2011 Delegations

4.1 Council to CEO

4.1.1 Cat Registrations

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags <i>Cat Regulations 2012</i> Schedule 3, cl.1(4) Fees Payable
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)]. 3. Authority to cancel a cat registration [s.10]. 4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)]. 5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire of Denmark'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 <i>Cat Act 2011</i> .
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Manager Community Services • Senior Ranger • Ranger • Customer Service Officer – Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	a. Customer Service Officer – Corporate Services has delegated functions of 1, 2, 3 and 4 ONLY.

Delegation Register

Shire of Denmark



Compliance Links:	Cat Regulations 2012 r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration. r.12 Period of registration (s.9(7)) r.11 Changes in registration r.14 Registration certificate (s.11(1)(b)) r.15 Registration tags (s.76(2)) Decisions are subject to Objection and Review by the State Administration Tribunal rights – refer Part 4, Division 5 of the <i>Cat Act 2011</i> .
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



4.1.2 Cat Control Notices

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

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Manager Community Services • Senior Ranger • Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	<i>Cat Regulations 2012 – r.20 Cat control notice [s.23(3)], prescribes the Form of the notice.</i>
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



4.1.3 Approval to Breed Cats

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

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Director Corporate & Community Services • Manager Community Services • Senior Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Cat Regulations 2012: r.21 Application for approval to breed cats (s.36(2)) r.22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f)) r.23 Person who not be refused approval to breed cats (s.37(5)) r.24 Duration of approval to breed cats (s.37(6)) r.25 Certificate given to approved cat breeder (s.39(1))
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



4.1.4 Recovery of Costs – Destruction of Cats

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.49(3) Authorised person may cause cat to be destroyed
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Director Corporate & Community Services • Manager Corporate Services • Manager Community Services • Senior Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



4.1.5 Applications to Keep Additional Cats

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

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Director Corporate & Community Services • Manager Community Services • Senior Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



4.1.6 Reduce or Waiver Registration Fee

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Regulations 2012:</i> Schedule 3 Fees clause 1(4)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat.
Council Conditions on this Delegation:	a. This delegation does NOT provide authority to determine to reduce or waiver the fees payable in regard to any <u>class of cat</u> within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the <i>Local Government Act 1995</i> .
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Director Corporate & Community Services • Manager Community Services • Senior Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---



4.2 Cat Act Delegations - CEO to Employees

4.2.1 Infringement Notices – Extensions and Withdrawals

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

Compliance Links:	<i>Cat Regulations 2012:</i> r.28 Withdrawal of infringement notice (s.65(1))
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---



5. Dog Act 1976 Delegations

5 Dog Act 1974 Delegations

5.1 Dog Act Delegations Council to CEO

5.1.1 Refuse or Cancel Registration

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

Delegation Register

Shire of Denmark



5. Dog Act 1976 Delegations

	of as though it had been found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]
Council Conditions on this Delegation:	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Director Corporate & Community Services • Manager Community Services • Senior Ranger • Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	<i>Dog Act 1976</i> s.17A If no application for registration made – procedure for giving notice of decision under s.16(3) Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and (6)
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



5. Dog Act 1976 Delegations

5.1.2 Kennel Establishments

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.27 Licensing of approved kennel establishments
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)].
Council Conditions on this Delegation:	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. Application processing and decisions under this delegation are to comply with the Shire of Denmark's Dogs Local Law.
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Director Corporate & Community Services • Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---



5. Dog Act 1976 Delegations

5.1.3 Recovery of Moneys Due Under this Act

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.29(5) Power to seize dogs
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)].
Council Conditions on this Delegation:	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	• Director Corporate & Community Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Includes recovery of expenses relevant to: s.30A(3) Operator of dog management facility may have dog microchipped at owner's expense s.33M Local government expenses to be recoverable. s.47 Veterinary service expenses recoverable from local government r.31 Local government expenses as to dangerous dogs (declared)
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---



5. Dog Act 1976 Delegations

5.1.4 Dispose of or Sell Dogs Liable to be Destroyed

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.29(11) Power to seize dogs
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].
Council Conditions on this Delegation:	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. Proceeds from the sale of dogs are to be directed into the Municipal Fund.
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Director Corporate & Community Services • Manager Community Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



5. Dog Act 1976 Delegations

5.1.5 Declare Dangerous Dog

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33E(1) Individual dog may be declared to be dangerous dog (declared)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to declare an individual dog to be a dangerous dog [s.33E(1)].
Council Conditions on this Delegation:	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Manager Community Services • Senior Ranger • Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---



5. Dog Act 1976 Delegations

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

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

Sub-Delegate/s: <i>Appointed by CEO</i>	• Director Corporate & Community Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	All records must be kept on the appropriate file.

Delegation Register

Shire of Denmark



5. Dog Act 1976 Delegations

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



5. Dog Act 1976 Delegations

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

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

Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



5. Dog Act 1976 Delegations

5.1.8 Kennel Establishments

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.27 Licensing of approved kennel establishments
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)].
Council Conditions on this Delegation:	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. Application processing and decisions under this delegation are to comply with the Shire of Denmark's Dogs Local Law.
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Director Corporate & Community Services • Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



5. Dog Act 1976 Delegations

5.1.9 Dog Registration Officers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.3(1) Registration Officers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to authorise persons to be registration officers.
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---



7. Graffiti Vandalism Act 2016 Delegations

6 Food Act 2008 Delegations

6.1 Council to CEO

6.1.1 Prohibition Orders

Commented [CT58]: Replaces Delegation D070408

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
Delegate:	Environmental Health Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)]. 2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66]. 3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].
Council Conditions on this Delegation:	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.

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	All records must be kept on the appropriate file.

Version Control:	
1	Added by Council Resolution XXX / 21 December 2021.



7. Graffiti Vandalism Act 2016 Delegations

6.1.2 Food Business Registrations

Commented [CT59]: Replaces Delegation D070408

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

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---



7. Graffiti Vandalism Act 2016 Delegations

6.1.3 Appoint Authorised Officers and Designated Officers

Commented [CT60]: Replaces Delegation D070408

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(2)]. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the <i>Public Health Act 2016</i>, to be a Designated Officer for the purposes of issuing Infringement Notices under the <i>Food Act 2008</i> [s.126(13)]. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].
Council Conditions on this Delegation:	<p>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:</p> <ul style="list-style-type: none"> Appointment of Authorised Officers as Meat Inspectors Appointment of Authorised Officers Appointment of Authorised Officers – Designated Officers only Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer
Express Power to Sub-Delegate:	Nil – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	s.122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers s.123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---



7. Graffiti Vandalism Act 2016 Delegations

7 Graffiti Vandalism Act 2016 Delegations

7.1 Council to CEO

7.1.1 Give Notice Requiring Obliteration of Graffiti

Commented [CT61]: New Delegation

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

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Deputy Chief Executive Officer • Director Corporate & Community Services • Manager Sustainable Development
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---

Delegation Register

Shire of Denmark



7. Graffiti Vandalism Act 2016 Delegations

7.1.2 Notices – Deal with Objections and Give Effect to Notices

Commented [CT62]: New Delegation

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

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Deputy Chief Executive Officer • Director Corporate & Community Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	a. The delegate considering the objection must not be the delegate who issued the notice.

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---



7. Graffiti Vandalism Act 2016 Delegations

7.1.3 Obliterate Graffiti on Private Property

Commented [CT63]: New Delegation

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</i> s.25(1) Local government graffiti powers on land not local government property
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s.25(1)].
Council Conditions on this Delegation:	a. Subject to exercising Powers of Entry.
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	• Deputy Chief Executive Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.

Version Control:	
1	Added by Council Resolution XXX / 21 December 2021.



7. Graffiti Vandalism Act 2016 Delegations

7.1.4 Powers of Entry

Commented [CT64]: New Delegation

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

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Deputy Chief Executive Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---



8. Public Health Act 2016 Delegations

8 Public Health Act 2016 Delegations

8.1 Council to CEO

8.1.1 Enforcement Agency Reports to the Chief Health Officer

Commented [CT65]: Replaces Delegation D070407

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate to CEO
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.22 Reports by and about enforcement agencies
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to 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 Denmark [s.22(1)] 2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Compliance Links:	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies.
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---



8. Public Health Act 2016 Delegations

8.1.2 Designate Authorised Officers

Commented [CT66]: Replaces Delegation D070407

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate to CEO
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.24(1) and (3) Designation of authorised officers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>1. Authority to designate a person or class of persons as authorised officers for the purposes of:</p> <ul style="list-style-type: none"> i. The Public Health Act 2016 or other specified Act ii. Specified provisions of the Public Health Act 2016 or other specified Act iii. Provisions of the Public Health Act 2016 or another specified Act, other than the specified provisions of that Act. <p>Including:</p> <ul style="list-style-type: none"> a. an environmental health officer or environmental health officers as a class; OR b. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR c. a mixture of the two. [s.24(1) and (3)].
Council Conditions on this Delegation:	<ul style="list-style-type: none"> a. Subject to each person so appointed being; <ul style="list-style-type: none"> • Appropriately qualified and experienced [s.25(1)(a)]; and • Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31]. b. A Register (list) of authorised officers is to be maintained in accordance with s.27.
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Compliance Links:	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies. s.25 Certain authorised officers required to have qualifications and experience. s.26 Further provisions relating to designations s.27 Lists of authorised officers to be maintained s.28 When designation as authorised officer ceases s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers
--------------------------	--



8. Public Health Act 2016 Delegations

	<p>s.30 Certificates of authority s.31 Issuing and production of certificate of authority for purposes of other written laws s.32 Certificate of authority to be returned. s.136 Authorised officer to produce evidence of authority</p> <p><i>Criminal Investigation Act 2006, Parts 6 and 13 – refer s.245 of the Public Health Act 2016</i></p> <p><i>The Criminal Code, Chapter XXVI – refer s.252 of the Public Health Act 2016</i></p>
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---



9. Planning and Development Act 2005 Delegations

9 Planning and Development Act 2005 Delegations

9.1 Council to CEO

9.1.1 Illegal Development

Commented [CT67]: Replaces Delegation D100603

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

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Deputy Chief Executive Officer • Manager Sustainable Development
CEO Conditions on this Sub-Delegation:	Nil

Delegation Register

Shire of Denmark



9. Planning and Development Act 2005 Delegations

Conditions on the original delegation also apply to the sub-delegations.	
--	--

Compliance Links:	Part 13 of the <i>Planning and Development Act 2005</i> Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---



9.2 Local Planning Scheme – Council to CEO

9.2.1 Local Planning Scheme

Commented [CT68]: Replaces Delegation D100601

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Planning & Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10, cl.82 Delegations by local government
Express Power or Duty Delegated:	<i>Shire of Denmark Town Planning Scheme</i>
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	a. Authority to exercise all duties and powers available to the local government.
Council Conditions on this Delegation:	<p>a. General Any two or more Councillors may consider an application or proposal to be of strategic significant and/or high community interest and request the CEO in writing, to present the application or proposal to the Council for consideration. If the request is supported, the application shall be presented to the first practicable Council meeting for consideration.</p> <p>b. Reconsideration of applications for development approval Prior to the determination of an application for reconsideration of an application for development approval (other than where are consideration is occurring pursuant to section 31 of the State Administrative Tribunal Act 2004 – see below), the CEO shall ensure that a copy of the reconsideration request, together with a report assessing the application, is circulated to all Councillors, giving a period of not less than 14 days before a delegated decision is made.</p> <p>This condition relates to applications to amend or renew an approval where reconsideration of conditions is being requested and also to new applications which are substantially the same as an earlier application refused under delegation.</p> <p>c. Applications for review by the State Administrative Tribunal Decisions relation to a reconsideration decision pursuant to section 31 of the State Administrative Tribunal Act 2004 are not delegated.</p>

Delegation Register

Shire of Denmark



	<p>d. Structure Plans, Activity Centre Plans, Local Developer Plans, Developer Contribution Plans, Local Planning Policies, Local Heritage List, Heritage Precincts. Decisions relation to adoption of Structure Plans, Local Developer Plans, Developer Contribution Plans, Local Planning Policies, Local Heritage List and/or Heritage Precincts are not delegated.</p>
Express Power to Sub-Delegate:	Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 10, cl. 83 Local Government CEO may delegate powers

<p>Sub-Delegate/s: <i>Appointed by CEO</i></p>	<ul style="list-style-type: none"> • Deputy Chief Executive Officer • Manager Sustainable Development • Senior Town Planner • Town Planner
<p>CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i></p>	<p>a. Senior Town Planner and Town Planner sub-delegation is limited to determining a development application having regard to listed matters in cl.67 and where it is consistent with the requirements of Town Planning Scheme No.3, adopted Local Planning Policies and the Deemed Provisions of the Residential Design Codes of WA, to approve or approve with conditions, but excluding:</p> <ol style="list-style-type: none"> i. Objections from advertising/referral are received. ii. Development involving a listed building/place on the Shire of Denmark Heritage List or an item listed on the State Heritage Register. iii. Development of Scheme Reserves and Crown land. iv. Determine and process 'Use Not Listed' application (as per cl.3.2.5 of TPS No. 3. v. Development within a declared Bushfire Prone Area where a building construction requirement would be greater than BAL – 29 (AS 3959 – 2009).

Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution XXX / 21 December 2021.
---	---



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

10.1 Environmental Protection Act 1986

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

Commented [CT69]: Not listed in previous register. No Council discretion.

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

Commented [CT70]: Replaces Delegation D100506.
No Council discretion.

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

Commented [CT71]: Replaces Delegation D100504.
No Council discretion.

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 CEOs - Sign Development Applications for Crown Land as Owner

Commented [CT72]: Replaces Delegation D100607.
No Council discretion.

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

A handwritten signature in black ink, appearing to read 'Donald Redman'.

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	Column 2	Column 3
<p>The power to sign as owner in respect of Crown land that is:</p> <ul style="list-style-type: none"> a reserve managed by the local government pursuant to section 4B of the <i>Land Administration Act 1987</i> 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 <i>Land Administration Act 1987</i> 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. <p>in respect of development applications being made under or referred to in:</p> <p>(i) section 99(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);</p> <p>(ii) section 103(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a local interim development order (as that term is defined in that Act);</p> <p>(iii) section 115 of the <i>Planning and Development Act 2005</i> in respect of development within a planning control area (as that term is defined in that Act);</p> <p>(iv) section 122A of the <i>Planning and Development Act 2005</i> in respect of which approval is required under an improvement scheme (as that term is defined in that Act);</p> <p>(v) section 162 of the <i>Planning and Development Act 2005</i> 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);</p> <p>(vi) section 163 of the <i>Planning and Development Act 2005</i> in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the <i>Heritage of Western Australia Act 1990</i>, or of which such a place forms part;</p> <p>(vii) section 171A of the <i>Planning and Development Act 2005</i> in respect of a prescribed development application (as that term is defined in that section of that Act).</p>	<p>City of Albany City of Armadale Shire of Ashburton Shire of Augusta-Margaret River Town of Bassendean City of Baywater City of Belmont Shire of Beverley Shire of Boddington Shire of Boyup Brook Shire of Bridgetown-Greenbushes Shire of Brooking 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 Coocos (Keeling) Islands Shire of Collie Shire of Coolgardie Shire of Coorow Shire of Conning Town of Cothellos Shire of Cranbrook Shire of Cuballing Shire of Cue Shire of Cunderdin Shire of Dalwallinu Shire of Dandaragan Shire of Denmark Shire of Derby/West Kimberley Shire of Dornbrook-Balingup Shire of Dowerin Shire of Dumbleyung Shire of Dundas Town of East Fremantle Shire of East Pilbara Shire of Esperance Shire of Glenougle City of Fremantle City of Greater Geraldton</p> <p>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 Kalamining Shire of Kellerberrin Shire of Kent Shire of Kojoonup 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 Merredin 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 Mukinbin Shire of Mundaring Shire of Murchison Shire of Murray</p>	<p>In accordance with and subject to approved Government Land policies.</p> <p>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 <i>Planning and Development Act 2005</i> (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.</p>

Delegation Register
Shire of Denmark



- Shire of Nannup
- Shire of Narembean
- Shire of Narrogin
- Town of Narrogin
- City of Nedlands
- Shire of Ngaanyatjaraku
- Shire of Northern
- 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 Ravenshoe
- City of Rockingham
- Shire of Roebourne
- Shire of Sandstone
- Shire of Serpentine Jarrahdale
- Shire of Shark Bay
- City of South Perth
- City of Stirling
- City of Subiaco
- City of Swan

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

HON DONALD TERENCE REDMAN MLA
MINISTER FOR LANDS

DR
..... day of *June* 2016



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

Commented [CT73]: Replaces Delegation D100606 – No Council discretion.

822 GOVERNMENT GAZETTE, WA 27 March 2020

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 the issuing of certificates of approval under section 15 of the *Strata Titles Act 1985*.

Preamble

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

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

Resolution under section 16 of the Act (delegation)

On 19 March 2020, 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, within their respective districts, subject to the conditions set out in clause 2 of Schedule 1;
- B. To declare that this instrument recording its resolution is to take effect upon the proclamation of the *Strata Titles Amendment Act 2018*.

SAM FAGAN, Secretary,
Western Australian Planning Commission.

Schedule 1

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

Power to determine applications for the issuing of a certificate of approval 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) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to—
 - i. a type of development; and/or
 - ii. land within an area,

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

2. Reporting requirements

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



10.3 Main Roads Act 1930

10.3.1 Traffic Management - Events on Roads

Commented [CT74]: Replaces Delegation D120102.
No Council discretion.

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 ~~..... SHIRE OF DENMARK~~ (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*.



10.3.2 Traffic Management – Road Works

Commented [CT75]: Replaces the "Administrative Protocol: Traffic Management for Works on Roads" that is an attachment to the Delegations Register. No Council discretion.

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 the **Shire of Denmark** ("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.

Delegation Register
Shire of Denmark



Dated:

THE COMMON SEAL OF THE
COMMISSIONER OF MAIN ROADS
WAS AFFIXED BY)

COMMISSIONER OF MAIN ROADS)
FOR THE TIME BEING IN THE PRESENCE OF:)

Signature of Witness

Name of Witness

ACKNOWLEDGMENT BY AUTHORISED BODY

THE SHIRE OF DENMARKagrees to observe, perform and be bound
by the above conditions.

THE COMMON SEAL OF THE)
SHIRE OF DENMARK)
WAS AFFIXED PURSUANT TO A RESOLUTION)
OF THE COUNCIL IN THE PRESENCE OF)

[Signature]
Chief Executive Officer

[Signature]
Witness SHIRE PRESIDENT



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:

Delegation Register
Shire of Denmark



- (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.

A handwritten signature in blue ink, appearing to read 'C Davers', positioned above a horizontal line.

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

Dated the 5th day of September 2017



10.5 Australian Citizenship Act 2007

10.5.1 Instrument of Authorisation – To Receive a Pledge of Commitment

IMMI 15/064



Commonwealth of Australia

Australian Citizenship Act 2007

INSTRUMENT OF AUTHORISATION 2015

(Subsection 27(5))

I, *PETER DUTTON*, Minister for Immigration and Border Protection, acting under subsection 27(5) of the *Australian Citizenship Act 2007* (the Act):

1. REVOKE Instrument number IMMI 11/079 (F2011L02759), signed on 12 December 2011; and
2. AUTHORISE:
 - a) a class of persons; or
 - b) a person;
holding, or occupying, or performing the duties of, a position specified in the Schedule to this Instrument, to receive a pledge of commitment.

This Instrument, IMMI 15/064, commences on the day after registration on the Federal Register of Legislative Instruments.

Dated: 17 August 2015

Peter Dutton
HON. PETER DUTTON MP
Minister for Immigration and Border Protection



IMMI 15/064

SCHEDULE

Persons or classes of persons authorised to receive a pledge of commitment under subsection 27(5) of the Act:

1. Governor-General of the Commonwealth of Australia.
2. All Members of the House of Representatives of the Parliament of the Commonwealth of Australia.
3. All Members of the Senate of the Parliament of the Commonwealth of Australia.
4. An entrusted person of the Department of Immigration and Border Protection, as defined in section 3 of the Act, who is located in a State or Territory Office, or Regional Office, excluding Headquarters:
 - (a) an Australian citizen;
 - (b) performing duties under, or for the purposes of, the *Australian Citizenship Act 2007*; and
 - (c) holding, or occupying, or performing the duties of, a position classified as:
 - (i) Senior Executive Service, Band Three, Two or One;
 - (ii) Executive Level Two or Executive Level One (EL2 or EL1); or
 - (iii) Australian Public Service, Levels Six, Five or Four (APS6, APS5 or APS4).
5. An entrusted person of the Department of Immigration and Border Protection, as defined in section 3 of the Act, who is located at Headquarters:
 - (a) is an Australian citizen;
 - (b) is the holder of, or is performing the duties of, a position classified as:
 - (i) Secretary;
 - (ii) Senior Executive Service, Band Three (SES B3);
 - (iii) Senior Executive Service, Band Two (SES B2), Visa and Citizenship Management Division, Visa and Citizenship Services;
 - (iv) Senior Executive Service, Band One (SES B1), Permanent Visa and Citizenship Programme Branch; or
 - (v) Permanent Visa and Citizenship Programme Branch:
 - A. Citizenship Operations Section:
 - a. Executive Level Two (EL2); or
 - B. Citizenship Programme Management Section:
 - a. Executive Level Two (EL2); or



IMMI 15/064

- C. Stakeholder Engagement and Citizenship Ceremonies Section:
 - a. Executive Level Two (EL2); or
 - b. Executive Level One (EL1); or
 - D. Citizenship Delivery Section:
 - a. Executive Level Two (EL2).
6. An entrusted person of the Department of Immigration and Border Protection, as defined in section 3 of the Act, who is in an Australian Immigration and Border Protection Office Overseas or an Australian Diplomatic Mission:
- (a) an Australian citizen; and
 - (b) the holder of, or is performing the duties of, one of the following positions within the Department of Immigration and Border Protection:
 - (i) Senior Executive Service, Band Three, Two or One;
 - (ii) Executive Level Two or Executive Level One (EL2 or EL1); or
 - (iii) Australian Public Service, Levels Six (APS6).
7. A person who is an Australian citizen, and who is holding, or occupying, or performing the duties of any of the following offices at an Australian Diplomatic Mission:
- (a) Australian Diplomatic, Consular and Trade Representative;
 - (b) High Commissioner;
 - (c) Deputy High Commissioner;
 - (d) Ambassador;
 - (e) Consul General;
 - (f) Chargé d'Affaires;
 - (g) Chargé d'Affaires ad interim;
 - (h) Consul, at a post at which he or she is the Senior Australian Diplomatic Representative; or
 - (i) Trade Commissioner at a post where there is no representative from the Australian Government Department of Foreign Affairs and Trade or from the Australian Government Department of Immigration and Border Protection.
8. A person who is an Australian citizen, and who is holding, or occupying, or performing the duties of any of the following offices:
- (a) In the Australian Capital Territory:
 - (i) Members of the Australian Capital Territory Legislative Assembly; or
 - (ii) Director, Australian Capital Territory Office of Multicultural Affairs.

Delegation Register

Shire of Denmark



MM15/064

- (e) In South Australia:
 - (i) Governor of South Australia;
 - (ii) Lord Mayor of a City;
 - (iii) Deputy Lord Mayor of a City;
 - (iv) Mayor or Chairperson of a local government council;
 - (v) Deputy Mayor or Deputy Chairperson of a local government council;
 - (vi) Administrator of a Municipality, or local government council in cases where a Municipality or local government council has been placed in administration;
 - (vii) Chief Executive of a local government council;
 - (viii) Secretary, Woomera Board; or
 - (ix) President, Andamooka Progress and Opal Miners Association.

- (f) In Tasmania:
 - (i) Governor of Tasmania;
 - (ii) Lord Mayor of a City;
 - (iii) Deputy Lord Mayor of a City;
 - (iv) Mayor of a local government council;
 - (v) Deputy Mayor of a local government council;
 - (vi) General Manager of a local government council; or
 - (vii) Administrator of a local government council in cases where a local government council has been placed in administration.

- (g) In Victoria:
 - (i) Governor of Victoria;
 - (ii) Lord Mayor of a City;
 - (iii) Mayor of a local government council;
 - (iv) Deputy Mayor of a local government council;
 - (v) Chief Executive Officer of a local government council;
 - (vi) General Manager of a local government council;
 - (vii) Governor-in-Council appointed Administrator of a local government council;
 - (viii) Councillor, Robinvale Ward, Swan Hill, Rural City Council; or
 - (ix) Administrator of a local government council in cases where a local government council has been placed in administration.

- (h) In Western Australia:
 - (i) Governor of Western Australia;
 - (ii) Lord Mayor of a City;
 - (iii) Mayor of a City, Municipality or Town;
 - (iv) Deputy Mayor or Deputy President of a City, Municipality, Shire or Town;
 - (v) Chief Executive Officer of a City, Municipality, Shire or Town;




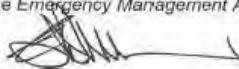
MMI 15/064

- (vi) President of Shire Council;
 - (vii) Chairman of Commissioners in cases where a local government council has been placed under administration;
 - (viii) Administrator of a local government council in cases where a local government council has been placed under administration;
 - (ix) Councillor, Coastal Ward, Shire of Coorow;
 - (x) Councillor, Shire of East Pilbara;
 - (xi) Councillor, Shire of Moora;
 - (xii) Councillor, Leinster Ward, Shire of Leonora;
 - (xiii) Councillor, Town of Fitzroy Crossing, Shire of Derby/West Kimberley;
 - (xiv) Councillor, Town of Kununurra, Shire of Wyndham/East Kimberley;
 - (xv) Councillor, Shire of Ashburton; or
- (i) In Australian External Territories:
- (i) Station Leader, Australian Antarctic Base, Casey;
 - (ii) Station Leader, Australian Antarctic Base, Davis;
 - (iii) Station Leader, Australian Antarctic Base, Mawson;
 - (iv) President, Shire of Christmas Island;
 - (v) President, Shire of Cocos (Keeling) Islands;
 - (vi) Chief Executive Officer, Shire of Cocos (Keeling) Islands;
 - (vii) Administrator, Norfolk Island; or
 - (viii) Vice Chairman, Lord Howe Island Board.



10.6 Emergency Management Act 2005

10.6.1 Authorisation of Persons During a State of Emergency

<p>EMA-Form 10: Authorisation of persons to act as Authorised Officers during a State of Emergency under section 61 of the <i>Emergency Management Act 2005</i> (WA).</p>	 <p>WESTERN AUSTRALIA</p>
<p>WESTERN AUSTRALIA <i>Emergency Management Act 2005, section 61</i></p>	
<p>AUTHORISATION OF PERSONS TO ACT AS AUTHORISED OFFICERS DURING A STATE OF EMERGENCY</p>	
<p>I, Christopher John Dawson, the State Emergency Coordinator under the <i>Emergency Management Act 2005</i> hereby authorise the following classes of persons to act as authorised officers:</p> <ol style="list-style-type: none">1. a person designated as an authorised officer under section 24 of the <i>Public Health Act 2016</i> (WA) for the purposes of the <i>Public Health Act 2016</i> (WA); and2. a person designated by a local government as an authorised officer under section 24 of the <i>Public Health Act 2016</i> (WA) for the purposes of the <i>Food Act 2008</i> (WA); and3. a person employed or engaged in the Department of Fire and Emergency Services pursuant to s 20 of the <i>Fire and Emergency Services Act 1998</i> (WA) and designated as a Station Officer. <p>This authorisation applies to the state of emergency declaration made by the Minister for Emergency Services on 15 March 2020 at 12:45 pm in relation to the pandemic caused by virus COVID-19, and as extended from time to time.</p> <p>This authorisation is given on the following terms and conditions:</p> <ol style="list-style-type: none">1. a person acting under this authorisation is authorised to do the following only for the purposes of checking compliance with paragraphs 4 to 7 of the Contact Register Directions or any corresponding paragraph in any direction that amends or replaces the Contact Register Directions:<ol style="list-style-type: none">a) enter a place specified in paragraph 14 of the Contact Register Directions or any corresponding paragraph in any direction that amends or replaces the Contact Register Directions;b) request a record of the contact information for the place;c) inspect a record of the contact information for the place; andd) all things necessary to be done for or in connection with, or reasonably incidental to, the performance of the actions authorised by this authorisation. <p>This authorisation is made under section 61 of the <i>Emergency Management Act 2005</i>.</p> <p>Signed:  Commissioner of Police and State Emergency Coordinator</p> <p>Date: 8 February 2021</p>	

EMA Form 10: Appointment of Authorised Officers to OP 10

1548 hours

NOTES on new register and delegations

Delegation Number	Title	Changes
LOCAL GOVERNMENT ACT 1995		
1.1 COUNCIL TO COMMITTEES		
1.1.1	Audit Advisory Committee	Replaces Delegation D040231
1.1.2	Code of Conduct Behaviour Complaints Committee	Replaces Delegation D040116
1.2 COUNCIL TO CEO		
1.2.1	Performing Functions Outside of District	New Delegation – recommended by WALGA review
1.2.2	Compensation for Damage Incurred when Performing Executive Functions	New Delegation – recommended by WALGA review
1.2.3	Powers of Entry	Replaces Delegation D050302
1.2.4	Declare Vehicle is Abandoned Vehicle Wreck	New Delegation – recommended by WALGA review
1.2.5	Confiscated or Uncollected Goods	<ul style="list-style-type: none"> • Replaces Delegation D050201 • Added additional delegates <ul style="list-style-type: none"> ○ Director Corporate & Community Services ○ Manager Community Services
1.2.6	Disposal of Sick or Injured Animals	New Delegation – recommended by WALGA review
1.2.7	Close Thoroughfares to Vehicles	<p>Replaces D120101 and D120112</p> <p>Previous delegations included condition that temporary closures that exceed 4 weeks were required to be decided by Council.</p> <p>The difference between less than 4 weeks and more than 4 weeks, is the requirement to provide public notice and consider any submissions. The Shire is also required to advise Main Roads WA and the Minister in relation to a temporary closure of more than 4 weeks.</p> <p>Delegation of temporary closures of less than and more than 4 weeks is a recommended delegation from the WALGA as it allows for business efficiency. Councillors would be made aware because of the public notice requirements.</p>

1.2.8	Control Reserves and Certain Unvested Facilities	New Delegation – recommended by WALGA review
1.2.9	Obstruction of Footpaths and Thoroughfares	New Delegation – recommended by WALGA review
1.2.10	Gates Across Public Thoroughfares	Replaces Delegation D120108
1.2.11	Public Thoroughfare – Dangerous Excavations	Replaces Delegation D120110
1.2.12	Crossing – Construction, Repair and Removal	Replaces Delegation D120111
1.2.13	Private Works on, over or under Public Places	New Delegation – recommended by WALGA review
1.2.14	Expressions of Interest for Goods and Services	New Delegation – recommended by WALGA review
1.2.15	Tenders for Goods and Services – Call Tenders	Replaces Delegation D040217. Increase tender acceptance threshold from \$250,000 to \$750,000.
1.2.16	Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options	Replaces Delegation D040217
1.2.17	Panels of Pre-Qualified Suppliers for Goods and Services	New Delegation. Supported by Purchasing Policy P040220
1.2.18	Disposing of Property	Replaces Delegation D040212. No requirement for delegation regarding acquisition because there is no statutory function to delegate.
1.2.19	Payments from the Municipal or Trust Funds	Replaces Delegation D040201
1.2.20	Defer, Grant Discounts, Waive or Write Off Debts	Replaces Delegation D040226
1.2.21	Power to Invest and Manage Investments	Replaces Delegation D030201
1.2.22	Rate Record Amendment	Replaces Delegation D030101
1.2.23	Agreement as to Payment of Rates and Service Charges	Replaces Delegation D030101
1.2.24	Determine Due Date for Rates or Service Changes	Replaces Delegation D030101
1.2.25	Recovery of Rates or Service Charges	Replaces Delegation D030101
1.2.26	Recovery of Rates Debt – Require Lessee to Pay Rent	Replaces Delegation D030101
1.2.27	Recovery of Rates Debts – Actions to Take Possession of the Land	New Delegation – recommended by WALGA review
1.2.28	Rate Record – Objections	Replaces Delegation D030101
1.2.29	Code of Conduct Behaviour Complaints	Replaces Delegation D040115.
1.2.30	Appointment of Rangers and Pound Keepers	Replaces Delegation D050204.
CEO TO EMPLOYEES		
1.3.1	Determine if an Emergency for Emergency Powers of Entry	New Delegation – recommended by WALGA review

1.3.2	Electoral Enrolment Eligibility Claims and Electoral Roll	New Delegation – recommended by WALGA review
1.3.3	Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare	New Delegation – recommended by WALGA review
1.3.4	Information to be Available to the Public	New Delegation – recommended by WALGA review
1.3.5	Financial Management Systems and Procedures	Replaces Delegation D040221
1.3.6	Audit – CEO Review of Systems and Procedures	New Delegation – recommended by WALGA review
1.3.7	Infringement Notices – Extension of Time and Withdrawals	Replaces Delegation D050305 (in part). Appointments under s9.10 are now made by the CEO not Council (as per 2019 amendment).
LOCAL LAW DELEGATIONS TO CEO		
1.4.1	Activities in Thoroughfares & Trading in Thoroughfares & Public Places Local Law	Replaces Delegation D100602
1.4.2	Property Local Law	Replaces Delegation D110201
1.4.3	Local Government Parking & Parking Facilities Local Law	Replaces Delegation D120301
1.4.4	Fencing Local Law	Replaces Delegation D100309
1.4.5	Extractive Industries Local Law	Replaces Delegation D130801
1.4.6	Pest Plants Local Law	Replaces Delegation D130801
1.4.7	Health Local Law	Replaces Delegation D130309
BUILDING ACT 2011		
2.1.1	Grant a Building Permit	Replaces Delegation D130312
2.1.2	Demolition Permits	Replaces Delegation D130312
2.1.3	Occupancy Permits or Building Approval Certificates	Replaces Delegation D130312
2.1.4	Finishes of Walls Close to Boundaries	Replaces Delegation 130312
2.1.5	Designate Employees as Authorised Persons	Replaces Delegation D130312
2.1.6	Building Orders	Replaces Delegation D130312
2.1.7	Inspection and Copies of Building Records	Replaces Delegation D130312
2.1.8	Referrals and Issuing Certificates	New Delegation – recommended by WALGA review
2.1.9	Private Pool Barrier – Alternative and Performance Solutions	New Delegation – recommended by WALGA review
2.1.10	Smoke Alarms – Alternative Solutions	New Delegation – recommended by WALGA review
2.1.11	Appointment of Approved Officers and Authorised Officers	Replaces Delegation D130312 and partial replacement of Delegation D050305
BUSH FIRES ACT 1954		
3.1.1	Make Request for FES Commissioner – Control of Fire	New Delegation – recommended by WALGA review
3.1.2	Prohibited Burning Times – Variation	Replaces Delegation D050103

3.1.3	Prohibited Burning Times – Control Activities	Replaces Delegation D050108
3.1.4	Restricted Burning Times – Vary and Control Activities	New Delegation – recommended by WALGA review
3.1.5	Firebreaks	Replaces Delegations D050102 and D050111
3.1.6	Recovery of Expenses Incurred through Contraventions of this Act	New Delegation – recommended by WALGA review
3.1.7	Prosecution of Offences	Replaces Delegation D050105. Withdrawal of Infringement – prescribed officers (R4(a))
3.1.8	Appoint Bush Fire Control Officer/s and Fire Weather Officer	Replaces Delegation D050109 which was not a delegation. Delegation D050109 was a record of the officers appointed by the Council under s.38 of the Bush Fires Act. Recommended new Delegation 3.1.8 to permit the CEO to appoint.
3.1.9	Prosecution of Offences	Replaces Delegation D050105
CAT ACT 2011		
4.1.1	Cat Registrations	Replaces Delegation D050203
4.1.2	Cat Control Notices	Replaces Delegation D050203
4.1.3	Approval to Breed Cats	Replaces Delegation D050203
4.1.4	Recovery of Costs – Destruction of Cats	Replaces Delegation D050203
4.1.5	Applications to Keep Additional Cats	Replaces Delegation D050203
4.1.6	Reduce or Waiver Registration Fee	Replaces Delegation D050203
4.2.1	Infringement Notices – Extensions and Withdrawals	Replaces Delegation D050203
DOG ACT 1674		
5.1.1	Refuse or Cancel Registration	Replaces Delegation D050202
5.1.2	Kennel Establishments	Replaces Delegation D050202
5.1.3	Recovery of Moneys Due Under this Act	Replaces Delegation D050202
5.1.4	Dispose of or Sell Dogs Liable to be Destroyed	Replaces Delegation D050202
5.1.5	Declare Dangerous Dog	Replaces Delegation D050202
5.1.6	Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke	Replaces Delegation D050202
5.1.7	Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice	Replaces Delegation D050202
5.1.8	Determine Recoverable Expenses for Dangerous Dog Declaration	Replaces Delegation D050202
5.1.9	Dog Registration Officers	Replaces Delegation D050202

FOOD ACT 2008		
6.1.1	Prohibition Orders	Replaces Delegation D070408
6.1.2	Food Business Registrations	Replaces Delegation D070408
6.1.3	Appoint Authorised Officers and Designated Officers	Replaces Delegation D070408
GRAFFITI VANDALISM ACT 2016		
7.1.1	Give Notice Requiring Obliteration of Graffiti	New Delegation
7.1.2	Notices – Deal with Objections and Give Effect to Notices	New Delegation
7.1.3	Obliterate Graffiti on Private Property	New Delegation
7.1.4	Powers of Entry	New Delegation
PUBLIC HEALTH ACT 2016		
8.1.1	Enforcement Agency Reports to Chief Health Officer	Replaces Delegation D070407
8.1.2	Designate Authorised Officers	Replaces Delegation D070407
PLANNING & DEVELOPMENT ACT 2005		
9.1.1	Illegal Development	Replaces Delegation 100603
LOCAL PLANNING SCHEME		
9.2.1	Local Planning Scheme	Replaces Delegation 100601
STATUTORY AUTHORISATIONS AND DELEGATIONS TO LOCAL GOVERNMENT FROM STATE OR FEDERAL GOVERNMENT ENTITIES		
ENVIRONMENTAL PROTECTION ACT 1986		
10.1.1	Noise Control – Environmental Protection Notices [Reg.65(1)]	Replaces Delegation D100503. No Council discretion.
10.1.2	Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events	Replaces Delegation D100506. No Council discretion.
10.1.3	Noise Management Plans – Construction Sites	Replaces Delegation D100504. No Council discretion.
PLANNING AND DEVELOPMENT ACT 2005		
10.2.1	Instrument of Authorisation – Local Government CEOs – Sign Development Applications for Crown Land as Owner	Replaces Delegation D100607. No Council discretion.
10.2.2	WA Planning Commission – Powers of Local Governments – s.15 of the Strata Titles Act 1985 (DEL.2020/01)	Replaces Delegation D100606 – No Council discretion.
MAIN ROADS ACT 1930		
10.3.1	Traffic Management – Events on Roads	Replaces Delegation D120102. No Council discretion.
10.3.2	Traffic Management – Road Works	Replaces the “Administrative Protocol: Traffic Management for Works on Roads” that is an

		attachment to the Delegations Register. No Council discretion.
ROAD TRAFFIC (VEHICLES) ACT 2012		
10.4.1	Approval for Certain Local Government Vehicles as Special Use Vehicles	Not listed in previous register. No Council discretion.
AUSTRALIAN CITIZENSHIP ACT 2007		
10.5.1	Instrument of Authorisation – To Receive a Pledge of Commitment	Replaces Delegation D040114. No Council discretion.
EMERGENCY MANAGEMENT ACT 2005		
10.6.1	Authorisation of Persons During a State of Emergency	Not listed in previous register. No Council discretion.

- (6) This section does not limit section 9.57.
- (7) Regulations may —
- (a) prescribe the time within which compensation may be claimed and procedures for making claims;
 - (b) make provision as to how compensation for damage is to be assessed.

[Section 3.22 amended: No. 64 of 1998 s. 14(2).]

3.23. Arbitration

If a matter is to be determined by arbitration in accordance with this section —

- (a) if the parties have not signed or otherwise assented to an agreement to refer the matter to arbitration, the matter is nevertheless to be regarded as having been referred for arbitration under the *Commercial Arbitration Act 2012*; and
- (b) the *Commercial Arbitration Act 2012* applies in respect of the reference and the arbitration; and
- (c) the determination is to be made by 2 arbitrators, one to be appointed by each party, but this paragraph does not exclude the provisions of the *Commercial Arbitration Act 2012* that apply if a party defaults in the exercise of a power of appointment.

[Section 3.23 amended: No. 23 of 2012 s. 45.]

Subdivision 2 — Certain provisions about land

3.24. Authorising persons under this Subdivision

The powers given to a local government by this Subdivision can only be exercised on behalf of the local government by a person expressly authorised by it to exercise those powers.

3.25. Notices requiring certain things to be done by owner or occupier of land

- (1) A local government may give a person who is the owner or, unless Schedule 3.1 indicates otherwise, the occupier of land a notice in writing relating to the land requiring the person to do anything specified in the notice that —
 - (a) is prescribed in Schedule 3.1, Division 1; or
 - (b) is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2.
- (2) Schedule 3.1 may be amended by regulations.
- (3) If the notice is given to an occupier who is not the owner of the land, the owner is to be informed in writing that the notice was given.
- (4) A person who is given a notice under subsection (1) is not prevented from complying with it because of the terms on which the land is held.
- (5) A person who is given a notice under subsection (1) may apply to the State Administrative Tribunal for a review of the decision to give the notice.
- (6) A person who fails to comply with a notice under subsection (1) commits an offence.

[Section 3.25 amended: No. 55 of 2004 s. 687.]

3.26. Additional powers when notices given

- (1) This section applies when a notice is given under section 3.25(1).
- (2) If the person who is given the notice (*notice recipient*) fails to comply with it, the local government may do anything that it considers necessary to achieve, so far as is practicable, the purpose for which the notice was given.

- (3) The local government may recover the cost of anything it does under subsection (2) as a debt due from the person who failed to comply with the notice.
- (4) If a notice recipient —
- (a) incurs expense in complying with any requirement of the notice; or
 - (b) fails to comply with such a requirement and, as a consequence, is fined or has to pay to a local government the cost it incurs in doing anything under subsection (2),
- the notice recipient may apply to a court for an order under subsection (6).
- (5) In subsection (4) —
- court** means a court that would have jurisdiction to hear an action to recover a debt of the amount of the expense, fine or cost sought to be recovered by the notice recipient.
- (6) On an application under subsection (4) the court may order —
- (a) if the notice recipient is the owner, the occupier; or
 - (b) if the notice recipient is the occupier, the owner,
- to pay to the notice recipient so much of that expense, fine or cost as the court considers fair and reasonable in the circumstances.
- (7) In determining what is fair and reasonable the court is to have regard to —
- (a) the type of land involved; and
 - (b) the terms on which the occupier is occupying the land; and
 - (c) any other matter the court considers to be relevant.

[Section 3.26 amended: No. 1 of 1998 s. 10.]

3.27. Particular things local governments can do on land that is not local government property

- (1) A local government may, in performing its general function, do any of the things prescribed in Schedule 3.2 even though the land on which it is done is not local government property and the local government does not have consent to do it.
- (2A) In subsection (1) land includes Crown land the subject of a pastoral lease within the meaning of the *Land Administration Act 1997* section 3.
- (2) Schedule 3.2 may be amended by regulations.
- (3) If Schedule 3.2 expressly states that this subsection applies, subsection (1) does not authorise anything to be done on land that is being used as the site or curtilage of a building or has been developed in any other way, or is cultivated.
- (4A) For the purposes of subsection (3), planting pasture on land for grazing does not amount to cultivating the land.
- (4) Nothing in subsection (3) prevents regulations amending Schedule 3.2 from stating that subsection (3) applies, or excluding its application, in relation to a particular matter.

[Section 3.27 amended: No. 17 of 2009 s. 8]

Subdivision 3 — Powers of entry

3.28. When this Subdivision applies

The powers of entry conferred by this Subdivision may be used for performing any function that a local government has under this Act if entry is required for the performance of the function or in any other case in which entry is authorised by this Act other than by a local law.

Schedule 3.1 — Powers under notices to owners or occupiers of land

[Section 3.25(1)]

Division 1 — Things a notice may require to be done

1. Prevent water from dripping or running from a building on the land onto any other land.
2. Place in a prominent position on the land a number to indicate the address.
3. Modify or repair, in the interests of the convenience or safety of the public, anything constructed as mentioned in Schedule 9.1, clause 8, or repair any damage caused to the public thoroughfare or other public place mentioned in that clause.
4. (1) Ensure that land that adjoins a public thoroughfare or other public place that is specified for the purposes of this item by a local law —
 - (a) is suitably enclosed to separate it from the public place; and
 - (b) where applicable, is enclosed with a close fence, to the satisfaction of the local government, suitable to prevent sand or other matter coming from the land onto the public place.(2) The notice cannot be given to an occupier who is not an owner.
5. (1) Ensure that unsightly land is enclosed, to the satisfaction of the local government, with a fence or other means suitable to prevent the land, so far as is practicable, from being unsightly.
 - (2) In this item —

unsightly, in relation to land, means having an appearance that, because of the way in which the land is used, does not conform with the general appearance of other land in the locality.
 - (3) The notice cannot be given to an occupier who is not an owner.
- 5A. (1) Ensure that overgrown vegetation, rubbish, or disused material, as specified, is removed from land that the local government considers to be untidy.
 - (2) In this item —

disused material includes disused motor vehicles, old motor vehicle bodies and old machinery.

[5B. Deleted: No. 16 of 2016 s. 41.]

6. Take specified measures for preventing or minimising the movement of sand, silt, clay or rocks on or from the land if, in the opinion of the local government, that movement would be likely to adversely affect other land.
7. Ensure that land that adjoins a public thoroughfare or other public place that is specified for the purposes of this item by a local law is not overgrown.
8. Remove all or part of a tree that is obstructing or otherwise prejudicially affecting a thoroughfare that is under the local government's control or management and adjoins the land where the tree is situated.
9. Ensure that a tree on the land that endangers any person or thing on adjoining land is made safe.
10. Take specified measures for preventing or minimizing —
 - (a) danger to the public; or
 - (b) damage to property,which might result from cyclonic activity.
11. Remove bees that are likely to endanger the safety of any person or create a serious public nuisance.
12. Ensure that an unsightly, dilapidated or dangerous fence or gate that separates the land from land that is local government property is modified or repaired.
13. Take specific measures to prevent —
 - (a) artificial light being emitted from the land; or
 - (b) natural or artificial light being reflected from something on the land,creating a nuisance.
14. (1) Remove or make safe anything that is obstructing or otherwise prejudicially affecting a private thoroughfare so that danger to anyone using the thoroughfare is prevented or minimised.

Local Government Act 1995

Schedule 3.1 Powers under notices to owners or occupiers of land

Division 2 Provisions contraventions of which may lead to a notice requiring things to be done

(2) In this item —

private thoroughfare has the same meaning as in Schedule 9.1 clause 7(1).

[Division 1 amended: Gazette 29 Apr 1997 p. 2144; amended: No. 49 of 2004 s. 72; No. 17 of 2009 s. 46; No. 16 of 2016 s. 41.]

Division 2 — Provisions contraventions of which may lead to a notice requiring things to be done

1. Regulations under Schedule 9.1, clause 3 (Obstructing or encroaching on public thoroughfare).
- 1A. Regulations under Schedule 9.1, clause 5(1) (Gates and other devices across public thoroughfares) requiring a person to remove a gate or other device from across a public thoroughfare when requested by a local government to do so.
2. Regulations under Schedule 9.1, clause 6 (Dangerous excavation in or near public thoroughfare).
- 2A. Regulations under Schedule 9.1, clause 7(2) (Crossings from public thoroughfares to private land or to private thoroughfares) that —
 - (a) prohibit a person from constructing a crossing; or
 - (b) by means of a notice in writing given to a person by the Commissioner of Main Roads, require the person to bring a crossing into accordance with an approval by the Commissioner of Main Roads or to remove a crossing and restore the place where it was to its former condition.
3. Regulations under Schedule 9.1, clause 8(1) (Constructing private works on, over, or under public places).
4. Regulations under Schedule 9.1, clause 9 (Protection of watercourses, drains, tunnels and bridges).
5. Regulations under Schedule 9.1, clause 10 (Protection of thoroughfares from water damage).
6. Regulations under Schedule 9.1, clause 12 (Wind erosion and sand drifts).

[Division 2 amended: Gazette 24 Jun 1996 p. 2862.]

Schedule 3.2 — Particular things local governments can do on land even though it is not local government property

[Section 3.27(1)]

1. Carry out works for the drainage of land.
2. Do earthworks or other works on land for preventing or reducing flooding.
3. Take from land any native growing or dead timber, earth, stone, sand, or gravel that, in its opinion, the local government requires for making or repairing a thoroughfare, bridge, culvert, fence, or gate.

Section 3.36 applies.

Section 3.27(3) applies.

4. Deposit and leave on land adjoining a thoroughfare any timber, earth, stone, sand, gravel, and other material that persons engaged in making or repairing a thoroughfare, bridge, culvert, fence, or gate do not, in the local government's opinion, require.

Section 3.36 applies.

Section 3.27(3) applies.

5. Make a temporary thoroughfare through land for use by the public as a detour while work is being done on a public thoroughfare.

Section 3.36 applies.

Section 3.27(3) applies.

6. Place on land signs to indicate the names of public thoroughfares.
7. Make safe a tree that presents serious and immediate danger, without having given the owner the notice otherwise required by regulations.

[8. Deleted: No. 16 of 2016 s. 42.]

[Schedule 3.2 amended: No. 17 of 2009 s. 47; No. 16 of 2016 s. 42.]