

Shire of Denmark

Delegations Register

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SHIRE OF DENMARK

DELEGATION REGISTER

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1 Local Government Act 1995 & Local Government (Miscellaneous Provisions) Act 1960 Delegations

1.1 Council to Committees of Council

1.1.1 Audit Risk & Improvement Committee

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* 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:	*Local Government Act 1995*: s.7.12A(2), (3) & (4) Duties of Local Government with respect to audits
Delegate:	**Audit Risk & Improvement Committee**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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 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:	• Department of Local Government, Industry Regulation and Safety • Audit Risk & Improvement 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:

1	Reviewed by Council Resolution 111221 / 21 December 2021
2	Amended by Council Resolution 221125 / 25 November 2025

1.1.2 Code of Conduct Behaviour Complaints Committee

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.16 Delegation of some powers and duties to certain committees
Express Power or Duty Delegated:	*Local Government (Model Rules of Conduct) Regulations 2021*: r.12 Dealing with a complaint r.13 Dismissal of a complaint
Delegate:	**Behaviour Complaints Committee**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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)].* In making any finding the Committee must also determine reasons for the finding *[r12(7)]*. 2. Where a finding is made that a breach has occurred, authority to: a. Take no further action *[r12(4)(a)].* b. Prepare an implement a plan to address the behaviour of the person to whom the complaint relates *[r12(4)(b), (5) and (6)].* 3. Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal *[r13(1) and (2)].*
Council Conditions on this Delegation:	a. The Committee will make decisions in accordance with the principles and specified requirements established in the Code of Conduct Behaviour Complaints Management Policy. b. 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.
Express Power to Sub-Delegate:	Nil.

Compliance Links:	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 Resolution 111221 / 21 December 2021
2	Amended by Council Resolution 100226 / 24 February 2026

1.2 Council to CEO

1.2.1 Performing Functions Outside the District

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.20(1) Performing functions outside district
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	• **Director Infrastructure and Assets**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 111221 / 21 December 2021

1.2.2 Compensation for Damage Incurred when Performing Executive Functions

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.22(1) Compensation s.3.23 Arbitration
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	• **Director Infrastructure and Assets**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 111221 / 21 December 2021

1.2.3 Powers of Entry

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.28 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: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	▪ **Director Infrastructure and Assets** ▪ **Senior Ranger** ▪ **Ranger**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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.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
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution 111221 / 21 December 2021

1.2.4 Declare Vehicle is Abandoned Vehicle Wreck

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995:* s.3.40A(4) Abandoned vehicle wreck may be taken
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	• **Senior Ranger** • **Ranger**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 111221 / 21 December 2021

1.2.5 Confiscated or Uncollected Goods

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.42 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: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	• **Executive Manager Corporate Services** • **Manager Community Services** • **Senior Ranger** • **Ranger**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 111221 / 21 December 2021.
2	Added sub-delegate – Executive Manager Corporate Services / 20 February 2024

1.2.6 Disposal of Sick or Injured Animals

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	• **Senior Ranger** • **Ranger**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 111221 / 21 December 2021.

1.2.7 Close Thoroughfares to Vehicles

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.50 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: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)]. 2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: • give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and • consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)]. 3. Authority to revoke an order to close a thoroughfare [s.3.50(6)]. 4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A] 5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s3.51].
Council Conditions on this Delegation:	a. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)]. b. Maintain access to adjoining land [s.3.52(3)] (relevant to the metropolitan area or a Townsite only). c. Function 2 only applies to roadworks and maintenance functions (not permanent closures).
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: *Appointed by CEO*	• **Manager Technical Services** • **Director Infrastructure and Assets**

CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 111221 / 21 December 2021.

1.2.8 Control Reserves and Certain Unvested Facilities

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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 *Parks and Reserves Act 1895*. [s.3.54(1)].
Council Conditions on this Delegation:	a. Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	• **Director Infrastructure and Assets** • **Manager Development Services** • **Coordinator Parks and Reserves**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 111221 / 21 December 2021.

1.2.9 Obstruction of Footpaths and Thoroughfares

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government (Uniform Local Provisions) Regulations 1996* [ULP]: 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: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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: 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:	a. Actions under this Delegation must comply with procedural requirements detailed in *the Local Government (Uniform Local Provisions) Regulations 1996*. b. Permission may only be granted where, the proponent has: 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:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	• **Director Infrastructure and Assets** • **Manager Development Services** • **Manager Technical Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 111221 / 21 December 2021.

1.2.10 Gates Across Public Thoroughfares

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government (Uniform Local Provisions) Regulations 1996*: r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	a. Actions under this Delegation must comply with procedural requirements detailed in the *Local Government (Uniform Local Provisions) Regulations 1996*. b. Each approval provided must be recorded in the Shire of Denmark's Register of Gates in accordance with Uniform Local Provisions Regulation 8.
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: *Appointed by CEO*	• **Manager Development Services** • **Director Infrastructure and Assets**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 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 and in the Shire of Denmark's Gate Register.

Version Control:

1	Added by Council Resolution 111221 / 21 December 2021.

1.2.11 Public Thoroughfare – Dangerous Excavations

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government (Uniform Local Provisions) Regulations 1996*: r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	a. Actions under this Delegation must comply with procedural requirements detailed in the *Local Government (Uniform Local Provisions) Regulations 1996*. b. Permission may only be granted where, the proponent has: 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:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	• **Manager Development Services** • **Director Infrastructure and Assets**
CEO Conditions on this Sub-Delegation:	Nil

Conditions on the original delegation also apply to the sub-delegations.	

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 111221 / 21 December 2021.

1.2.12 Crossing – Construction, Repair and Removal

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government (Uniform Local Provisions) Regulations 1996*: 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: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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 *Local Government (Uniform Local Provisions) Regulations 1996*.
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: *Appointed by CEO*	• **Director Infrastructure and Assets** • **Manager Technical Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995*

	Refer also Delegation 1.4.1 under the *Template Activities in Thoroughfares and Public Places and Trading Local Law*
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution 111221 / 21 December 2021.

1.2.13 Private Works on, over or under Public Places

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government (Uniform Local Provisions) Regulations 1996*: r.17 Private works on, over, or under public places – Sch.9.1 cl.
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	a. Actions under this Delegation must comply with procedural requirements detailed in the *Local Government (Uniform Local Provisions) Regulations 1996*. b. Permission may only be granted where, the proponent has: 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:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	• **Director Infrastructure and Assets** • **Manager Development Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 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 111221 / 21 December 2021.

1.2.14 Expressions of Interest for Goods and Services

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996:* r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	• **Director Infrastructure and Assets** • **Executive Manager Corporate Services** • **Manager Technical Services** • **Manager Community Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 111221 / 21 December 2021.
2	Added sub-delegate – Executive Manager Corporate Services / 20 February 2024
3	Removed sub-delegate – Manager Corporate Services – 25 November 2025

1.2.15 Tenders for Goods and Services – Call Tenders

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996:* r.11 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: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	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: 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:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	• **Director Infrastructure and Assets** • **Executive Manager Corporate Services**

CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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:	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 WALGA Subscription Service – Procurement Toolkit Council Policy P040220 Purchasing Policy
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution 111221 / 21 December 2021.
2	Added sub-delegate – Executive Manager Corporate Services / 20 February 2024

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

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996:* r.11(2)(j) Exercising contract extension options r.18(2), (4), (4a), (5), (6) and (7) Rejecting and accepting tenders 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: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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: 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 OR 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 before 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 OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer [F&G r.20(2)]. 8. Authority to vary a tendered contract, after it has been entered into, provided the variation/s are necessary for the goods and services to be supplied, and do not change the scope of the original contract [F&G r.21A(a)].

	9. Authority to exercise a contract extension option that was included in the original tender specification and contract in accordance with r.11(2)(j).
Council Conditions on this Delegation:	a. In accordance with s.5.43(b), tenders may only be accepted under this delegation, where: i. The total consideration under the resulting contract is $1,500,000 or less; ii. The expense is included in the adopted Annual Budget; and iii. The tenderer has complied with requirements under F&G r.18(2) and (4). b. A decision to vary a tendered contract before entry into the contract *[F&G r.20(1) and (3)]* must include evidence that the variation is minor in comparison to the total goods or services that tenderers were invited to supply. 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.
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: *Appointed by CEO*	• **Director Infrastructure and Assets** • **Executive Manager Corporate Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	a. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities. b. Sub-delegation does not apply to functions 4, 5, 6 or 7.

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 Council Policy 040216 Regional Price Preference Policy
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution 111221 / 21 December 2021.
2	Added sub-delegate – Executive Manager Corporate Services / 20 February 2024
3	Amended by Council Resolution 221125 / 25 November 2025
4	Added additional sub-delegation exclusion, being functions 4 and 7.

1.2.17 Panels of Pre-Qualified Suppliers for Goods and Services

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government (Functions and General) Regulation 1996*: 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: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine that a 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

	resulting contract is $250,000 or less and the expense is included in the adopted Annual Budget.
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: *Appointed by CEO*	• **Director Infrastructure and Assets**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 111221 / 21 December 2021.

1.2.18 Disposing of Property

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.58(2) & (3) Disposing of Property
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to dispose of property to: (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:	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. b. When determining the method of disposal: • Where a public auction is determined as the method of disposal: 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: 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.

	c. Where the market value of the property (excluding land) is determined as being less than $20,000 (F&G r.30(3) excluded disposal) disposal may be undertaken: • 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. d. Where the disposal relates to a Peaceful Bay leasehold property and there are submissions received against the proposal, the disposal must be presented to Council with the submissions for final determination.
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: *Appointed by CEO*	• **Director Infrastructure and Assets** • **Executive Manager Corporate Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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.3.58 Disposal of Property *Local Government (Functions and General) Regulations 1995* – r.30 Dispositions of property excluded from Act s. 3.58
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution 111221 / 21 December 2021.
2	Amended by Council Resolution 151122 / 15 November 2022
3	Added sub-delegate – Executive Manager Corporate Services / 20 February 2024

1.2.19 Payments from the Municipal or Trust Funds

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government (Financial Management) Regulations1996*: r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to make payments from the municipal or trust funds [r.12(1)(a)].
Council Conditions on this Delegation:	a. 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.
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: *Appointed by CEO*	• **Executive Manager Corporate Services** • **Director Infrastructure & Assets**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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.

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 111221 / 21 December 2021.
2	Removed Manager Corporate Services, position no longer exists. Added sub-delegate – Executive Manager Corporate Services / 20 February 2024
3	Removed Assistant Accountant and added Director Infrastructure & Assets – 22 March 2024

1.2.20 Grant Discounts, Waive or Write Off Debts

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.6.12 Power to defer, grant discounts, waive or write off debts
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	a. Write-off a debt for any 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. c. A concession or waiver may only be granted in accordance with local government policy.
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: *Appointed by CEO*	• **Executive Manager Corporate Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution 111221 / 21 December 2021.
2	Removed sub-delegate, Manager Corporate Services, position no longer exists. Added sub-delegate – Executive Manager Corporate Services / 20 February 2024
3	Amended by Council Resolution 221125 / 25 November 2025

1.2.21 Power to Invest and Manage Investments

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.6.14 Power to invest *Local Government (Financial Management) Regulations 1996*: r.19 Investments, control procedures for
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	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:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	• **Executive Manager Corporate Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil

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 111221 / 21 December 2021.
2	Removed sub-delegate Manager Corporate Services, position no longer exists. Added sub-delegate – Executive Manager Corporate Services / 20 February 2024

1.2.22 Rate Record Amendment

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.6.39(2)(b) Rate record
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)].
Council Conditions on this Delegation:	a. Delegates must comply with the requirements of s.6.40 of the Act.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	• **Executive Manager Corporate Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 111221 / 21 December 2021.
2	Removed sub-delegate, Manager Corporate Services, position no longer exists. Added sub-delegate – Executive Manager Corporate Services / 20 February 2024

1.2.23 Agreement as to Payment of Rates and Service Charges

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.6.49 Agreement as to payment of rates and service charges
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	• **Executive Manager Corporate Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 111221 / 21 December 2021.
2	Removed sub-delegate, Manager Corporate Services, position no longer exists. Added sub-delegate – Executive Manager Corporate Services / 20 February 2024

1.2.24 Determine Due Date for Rates or Service Charges

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.6.50 Rates or service charges due and payable
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	• **Executive Manager Corporate Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 111221 / 21 December 2021.
2	Removed sub-delegate, Manager Corporate Services, position no longer exists. Added sub-delegate – Executive Manager Corporate Services / 20 February 2024

1.2.25 Recovery of Rates or Service Charges

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.6.56 Rates or service charges recoverable in court s.6.64(3) Actions to be taken
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)]. 2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)].
Council Conditions on this Delegation:	a. Decisions under this delegation must comply with Council's Debt Collection Policy.
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: *Appointed by CEO*	**Executive Manager Corporate Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 111221 / 21 December 2021.
2	Added sub-delegate – Executive Manager Corporate Services – 25 November 2025

1.2.26 Recovery of Rates Debts – Require Lessee to Pay Rent

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.6.60 Local Government may require lessee to pay rent
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	• **Executive Manager Corporate Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 111221 / 21 December 2021.
2	Removed sub-delegate, Manager Corporate Services, position no longer exists. Added sub-delegate – Executive Manager Corporate Services / 20 February 2024

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

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.6.64(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: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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: 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: 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:	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 without having, within the previous 3-years attempted to recover the outstanding rates / changes 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 *Local Government Act 1995.*
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: *Appointed by CEO*	Nil
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 111221 / 21 December 2021.

1.2.27 Rate Record – Objections

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.6.76 Grounds of objection
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	• **Executive Manager Corporate Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 111221 / 21 December 2021.
2	Removed sub-delegate, Manager Corporate Services, position no longer exists. Added sub-delegate – Executive Manager Corporate Services / 20 February 2024.

1.2.29 Code of Conduct Behaviour Complaints

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government (Model Rules of Conduct) Regulations 2021*: r.11(2)(a) and r.11(3) Complaint about alleged breach
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	Nil
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 111221 / 21 December 2021.

1.2.30 Appointment of Rangers and Pound Keepers

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government (Miscellaneous Provisions) Act 1960*: s.449 Pounds, establishing; poundkeepers and rangers, appointing s.451 Closing pounds and dismissing poundkeepers or rangers
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	Nil
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 111221 / 21 December 2021.

1.2.31 Execution of Documents (Authorisation)

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	S9.49A(4) states: "*(4) A local government may, by resolution, authorise the CEO, another employee or an agent of the local government to sign documentation on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.*" ~~*Local Government Act 1995:*~~ ~~s.5.42 Delegation of some powers or duties to the CEO~~ ~~s.5.43 Limitations on delegations to the CEO~~
Express Power or Duty Delegated:	*Local Government Act 1995* s.9.49A(4) Execution of Documents ~~s.9.49B Contract Formalities~~
~~Delegates~~Positions Authorised:	**Chief Executive Officer** **Executive Manager Corporate Services** **Director Infrastructure and Assets**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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 not require the Shire of Denmark's Common Seal.~~Must comply with all relevant Council policies and resolutions. ~~a.~~b. Use of the Common Seal is only permitted by the CEO and the Shire President.
Express Power to Sub-Delegate:	~~*Local Government Act 1995:*~~ ~~s.5.44 CEO may delegate some powers and duties to other employees~~Not applicable

Sub-Delegate/s: *Appointed by CEO*	~~• **Director Infrastructure and Assets**~~ ~~• **Executive Manager Corporate Services**~~ ~~• **Manager Sustainable Projects**~~ ~~• **Manager Technical Services**~~ ~~• **Manager Civil Infrastructure and Waste Operations**~~ ~~• **Coordinator Parks and Reserves**~~ •
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	~~1. Sub-delegation applicable ONLY to Function 2 [s.9.49B].~~ ~~2. Any contract variation is subject to:~~ ~~a. The total project not exceeding the budget allocation; and~~ ~~b.~~a. ~~The variation not exceeding the sub-delegate's authorised purchase value limit.~~

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 111221 / 21 December 2021.
2	Added sub-delegates with conditions – 29 March 2022.
3	Added sub-delegate – Executive Manager Corporate Services / 20 February 2024

1.2.32 AUTHORISE PERSONS OR CLASSES OF PERSONS TO PERFORM SPECIFIED FUNCTIONS

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995:* s.9.24(1)(c) and (2)(b) Prosecutions, commencing s.3.24 Authorise persons under this Subdivision s3.31(2) General Procedure for entering property s.3.39(1) Power to remove and impound s.3.40A(1) Abandoned vehicle wreck may be taken
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Authorise persons to commence prosecutions for offences under the Local Government Act 1995 and any Local Laws [s.9.24(1)(c) and(2)(b)]. Authorise persons for the purposes of Part 3, Division 3, Subdivision 2 – Certain provisions about land – to exercise the Local Government's powers under s.3.25 to 3.27 inclusive, to issue and administer notices requiring certain things to be done by owner or occupier of land [s.3.24]. Authorise persons for the purposes of Part 3, Division 3, Subdivision 3 – to enter onto land, premises or thing, without consent of the owner / occupier, unless the owner / occupier objects [s.3.31(2)]. Authorise an employee to remove and impound any goods that are involved in a contravention that can lead to impounding [s.3.39(1)]. Authorise an employee to remove and impound a vehicle that has been determined as an abandoned vehicle wreck [s.3.40A(1)].
Council Conditions on this Delegation:	a. A register of Authorisations is to be maintained as a Local Government Record. b. Only persons who are appropriately qualified and trained may be authorised to perform relevant functions. c. Authorisations are to be provided in writing.
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: *Appointed by CEO*	Nil

CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 111221 / 21 December 2021.

1.3 CEO to Employees

1.3.1 Determine if an Emergency for Emergency Powers of Entry

Delegator: *Power / Duty assigned in legislation to:*	Chief Executive Officer
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.34(2) Entry in emergency
Delegate/s:	**Director Infrastructure and Assets** **Executive Manager Corporate Services**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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 111221 / 21 December 2021.
2	Added delegate – Executive Manager Corporate Services / 20 February 2024.

1.3.2 Electoral Enrolment Eligibility Claims and Electoral Roll

Delegator: *Power / Duty assigned in legislation to:*	Chief Executive Officer
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	*Local Government Act 1995*: 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 *Local Government (Elections) Regulations 1995*: 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: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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 family's 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

	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 111221 / 21 December 2021.

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

Delegator: *Power / Duty assigned in legislation to:*	Chief Executive Officer
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	*Local Government (Uniform Local Provisions) Regulations 1996*: r.6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)
Delegate/s:	• **Director Infrastructure and Assets** • **Manager Technical Services**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.2.10: 1. Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP r.6(4)(d)]]. 2. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b). 3. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP r.6(5)(d)].
CEO Conditions on this Delegation:	a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.9 Obstruction of Footpaths and Thoroughfares. b. Actions under this Delegation must comply with the procedural requirements detailed in *the Local Government (Uniform Local Provisions) Regulations 1996*.
Express Power to Sub-Delegate:	Nil.

Compliance Links:	This delegated authority is effective only in alignment with Delegated Authority 1.2.10 Obstructions of Footpaths and Thoroughfares. 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 111221 / 21 December 2021.

1.3.4 Information to be Available to the Public

Delegator: *Power / Duty assigned in legislation to:*	Chief Executive Officer
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	*Local Government (Administration) Regulations 1996*: 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) *Local Government Act 1995:* s.9.95(1)(b) & (3)(b) Limits on right to inspect local government information
Delegate/s:	• **Director Infrastructure and Assets** • **Executive Manager Corporate Services** • **Governance Coordinator** • **Senior Rates Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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)]. 4. Authority to make rate book information available, if satisfied, by an application made in part 3 above, that the information will not be used for commercial purposes [Admin r.29B]. 5. 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)]. 6. 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:	• Senior Rates Officer delegation limited to part 4 only.
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 111221 / 21 December 2021.
2	Added sub-delegate – Executive Manager Corporate Services / 20 February 2024
3	Added sub-delegate – Senior Rates Officer / 16 October 2025

1.3.5 Financial Management Systems and Procedures

Delegator: *Power / Duty assigned in legislation to:*	Chief Executive Officer
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	*Local Government (Financial Management) Regulations 1996*: r.5 CEO's Duties as to financial management
Delegate/s:	**Executive Manager Corporate Services**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to establish systems and procedures [FM r.5] that give effect to internal controls and risk mitigation for the: 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:	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 111221 / 21 December 2021.
2	Added delegate – Executive Manager Corporate Services / 20 February 2024.

1.3.6 Audit – CEO Review of Systems and Procedures

Delegator: *Power / Duty assigned in legislation to:*	Chief Executive Officer
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	*Local Government (Audit) Regulations 1996*: r.17 CEO to review certain systems and procedures
Delegate/s:	**Executive Manager Corporate Services**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to conduct the review of the appropriateness and effectiveness of the Shire of Denmark's systems and procedures in relation to i. risk management; and ii. internal controls; and iii. legislative compliance [r.17(1)].
CEO Conditions on this Delegation:	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 111221 / 21 December 2021.
2	Added delegate – Executive Manager Corporate Services / 20 February 2024

1.3.7 Infringement Notices – Extension of Time and Withdrawals

Delegator: *Power / Duty assigned in legislation to:*	Chief Executive Officer
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	*Local Government Act 1995*: s.9.19 Extension of Time s.9.20 Withdrawal of Notice
Delegate/s:	• **Executive Manager Corporate Services** • **Director Infrastructure and Assets** • **Manager Community Services** • **Manager Development Services** • **Principal Building Surveyor**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	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. b. 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 *Building Regulation 70(1)* for the purposes of the *Criminal Procedure Act 2004* section 6(a) and *Building Act 2011* Infringement Notices: (i) **Principal Building Surveyor** *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.*
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 111221 / 21 December 2021.
2	Added delegate – Executive Manager Corporate Services / 20 February 2024

1.4 Local Law Delegations to the CEO

1.4.1 Public Places and Local Government Property Local Law 2026

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*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:	*Public Places & Local Government Property Local Law*: cl.3.3 Agreement for building cl.5.9(2) Close Airport if considered unsafe cl.5.10(2) Designate or set apart specified part of the Airport cl.7.15 Unsafe crossovers cl.8.5(2)(c) Exemption to drive outside of flora road carriageway cl.8.7 Mark and keep register of special environmental area cl.8.9 considerations to determine application to plant in thoroughfare cl.8.10(a)(i) approve licence to clear public land cl.8.12(a)(i) approve licence to burn public land cl.8.15 install a firebreak on land cl.8.17 permit for revegetation project cl.9.14 advise retailer of location of shopping trolley cl.12.1 installation of sign in a public place cl.13.2 determine form of licence application cl.13.13(2)(a) determine for of licence renewal application cl.14.5 may undertake requirements of notice
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Authority to: 1. Enter into an agreement with the licence holder [cl.3.3]. 2. Close the Airport to aircraft movements if it considers the surface of the airport to be unsafe [cl.5.9(2)]. 3. Designate or set apart any specified part or parts of an airport for a prescribed purpose and place signs etc. indicating the limits of any part [cl.5.10(2) and (3)]. 4. Give notice to the owner of occupier regarding an unsafe crossover [cl.7.15]. 5. Consider an application for a person to drive outside of flora road carriageway [cl.8.5(2)(c)]. 6. Mark and keep a register of each thoroughfare designated as a special environmental area [cl.8.7]. 7. Considerations in determining application for a licence to plant or sow any seed in a thoroughfare in a special environmental area [cl.8.9]. 8. Consider approval to clear public place [cl.8.10(a)(i)]. 9. Consider approval to burn public place [cl.(8.12(a)(i)]. 10. Install a firebreak on public land other than a thoroughfare [cl.8.15]. 11. Approve or reject applications for permits to collect seed from native flora in a public place [cl.8.17]. 12. Advise retailer of the location of their shopping trolley if it is found in a public place [cl.9.14]. 13. Insall a sign in a public place specifying any conditions of use which apply to that public place [cl.12.1].

	14. Determine the form of a licence application [cl.13.2(2)(a)]. 15. Determine the form of a licence renewal application [cl.13.13(2)(a)]. 16. Undertake requirements of notice [cl.14.5].
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: *Appointed by CEO*	• **Director Infrastructure and Assets** • **Manager Development Services** • **Manager Technical Services** • **Manager Community Services** • **Senior Ranger**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	a. Delegation to Director Infrastructure Assets is limited to 1 to 9 and 11 to 16. b. Delegation to Manager Development Services is limited to 3 to 5 and 11 to 13. c. Delegation to Manager Technical Services is limited to 2, 4 and 7. d. Delegation to Manager Community Services and Senior Ranger is limited to 12.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. A register of all special environmental areas must be maintained under cl.8.7 of the *Public Places & Local Government Property Local Law*. Crossing permits are approved under Regulations 12 and 13 of the *Local Government (Uniform Local Provisions) Regulations 1996* – refer Delegation 1.2.13 Crossings – Construction, Repair and Removal.
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution 111221 / 21 December 2021.
2	Delegations 1.4.1 and 1.4.2 - repealed and replaced with new Delegation upon gazetting of new Public Places and Local Government Property Local Law 2026, operating from 21 January 2026. Council Resolution 201125 / 25 November 2025 – effective from 21 January 2026.

1.4.2 Local Government Parking & Parking Facilities Local Law

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*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:	*Parking & Parking Facilities Local Law*: cl.4.2 Unauthorized signs and defacing of signs cl3.16 Parking on reserves
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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: *Appointed by CEO*	• **Director Infrastructure and Assets** • **Manager Development Services** • **Manager Technical Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 111221 / 21 December 2021.

1.4.3 Fencing Local Law

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*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:	*Fencing Local Law*: 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: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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: *Appointed by CEO*	• **Director Infrastructure and Assets** • **Manager Development Services** • **Manager Community Services** • **Principal Building Surveyor**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 111221 / 21 December 2021.

1.4.4 Extractive Industries Local Law

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*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:	*Extractive Industries Local Law*: 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: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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]. 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: *Appointed by CEO*	• **Director Infrastructure and Assets**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 111221 / 21 December 2021.

1.4.5 Pest Plants Local Law

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*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:	*Pest Plants Local Law*: 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: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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: *Appointed by CEO*	• **Director Infrastructure and Assets** • **Sustainability Officer** • **Manager Community Services** • **Senior Ranger** • **Ranger** • **Coordinator Parks and Reserves** • **Revegetation Officer**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	a. Sub-delegation to Sustainability Officer, Coordinator Parks and Reserves and Revegetation Officer only extends to cl.(6). b. All other 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 111221 / 21 December 2021.

2	Added Coordinator Parks and Reserves and Revegetation Officer as sub-delegates and limited delegation to clause 6 for Sustainability Officer.

1.4.6 Health Local Law

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*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:	*Health Local Law*: 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.4.2.7(1) Suitable Enclosure cl.4.2.10 Burning Rubbish or Refuse 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: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Authority to: 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. 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)]. 5. Approve or refuse a request to burn rubbish or refuse in any incinerator or on the ground [cl.4.2.10(1)].

	6. Exempt a person to keep more than 2 cats at a premises and apply conditions to any exemption [cl.5.2.4]. 7. Approve or refuse an application to keep a horse, cow or large animal at a premises within the a townsite [cl.5.3.2]. 8. 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]. 9. 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)]. 10. Revoke any approval under cl.5.4.4(1). 11. Direct an owner or occupier to remove a non-conforming structure or enclosure [cl.5.4.6(1)]. 12. 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)]. 13. Approve a premises to be used for a feedlot, subject to conditions in cl.5.5.2(2) and (3). 14. Approve a premises to be used as a piggery, subject to conditions in cl.5.6.2(2) and (3). 15. 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)]. 16. 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]. 17. 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]. 18. Grant approval to a person to keep bees [cl.6.7.2(1)]. 19. Direct any bee hives to be removed [cl.6.7.2(2)]. 20. Execute work and recover costs, where a person fails or neglects to comply with a notice given under Part 7, Division 1 [Part 7]. 21. Approve or refuse an application for registration of a lodging house, with or without conditions [cl.8.1.4]. 22. Revoke a registration approval [cl.8.1.7(1)]. 23. 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)]. 24. 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].

	25. Approve or refuse applications to establish an offensive trade [cl.9.1.5]. 26. Grant or refuse permission a person to change or alter a registered premises [cl.9.1.7]. 27. 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:	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: *Appointed by CEO*	• **Director Infrastructure and Assets** • **Manager Development Services** • **Principal Environmental Health Officer** • **Environmental Health Officer** • **Principal Building Surveyor** • **Senior Town Planner** • **Town Planner** • **Senior Ranger**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	a. **Director Infrastructure and Assets** delegated functions limited to 5 to 13, 15, 16, 18 to 29. b. **Manager Development Services** delegated functions limited to 6, 15, 16, 20, 23 to 29. c. **Principal Environmental Health Officer** and **Environmental Health Officer** delegated functions limited to 1 to 5, 7, 14 and 17. d. **Principal Building Surveyor** delegated functions limited to 1 and 17. e. **Senior Town Planner** and **Town Planner** delegated functions limited to 6, 23 to 26 and 29. f. **Senior Ranger** delegated function limited to 8.

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 111221 / 21 December 2021.
2	Amended by Council Resolution 171123 / 21 November 2023.
3	Removed references to repealed clauses of the Health Local Law – in accordance with Waste Local Law

1.4.7 Bush Fire Brigades Local Law

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*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:	*Bush Fire Brigades Local Law*: cl.2.5 Variation of Rules
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Authority to: 1. Vary the Rules in their application to all bush fire brigades or in respect of a particular brigade [cl.2.5]. NOTE: The Rules govern the operation of a bush fire brigade and can be referred to as Standard Operating Procedures.
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: *Appointed by CEO*	• **Manager Community Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 160722 / 19 July 2022.

1.4.8 Dogs Local Law - Delegations

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*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:	*Dogs Local Law*: cl.1.3 Appointment of Authorised Person cl.4.6 Determine applications for kennel establishment cl.4.8 Conditions of approval cl.4.11 Form of licence cl.4.13 Variation or cancellation of licence cl.4.14 Transfer cl.4.15 Notification
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Authority to: 5. Appoint authorised persons for the purpose of performing the functions of an authorised person [cl.1.3]. 6. Determine applications for approved kennel establishment [cl.4.6]. 7. Place any conditions on an approved application for kennel establishment [cl.4.8]. 8. Determine the form of licence to be given to the licensee for an approval granted under cl.4.6 [cl.4.11]. 9. Cancel or vary the conditions of a licence [cl.4.13]. 10. Determine the application form for a transfer of licence [cl.4.14(1)(a)]. 11. Approve, with or without conditions, or refuse the transfer of a licence [cl.4.14(3)]. 12. Give written notice to an applicant, licensee or transferee [cl.4.15].
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: *Appointed by CEO*	• **Manager Community Services** • **Senior Ranger**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	1. Sub-delegation does not include authority under cl.1.3.
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 160822 / 16 August 2022

1.4.9 Cats Local Law - Delegations

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*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:	*Cats Local Law*: cl.2.5 Determine applications cl.2.8 Determine applications for transfer cl.2.9 vary or cancel an approval
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Authority to: 1. Determine an application for keeping more than the standard number of cats [cl.2.5]. 2. Determine an application to transfer the approval from an approved person to another person [cl.2.8]. 3. Vary or cancel an approval [cl.2.9].
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: *Appointed by CEO*	• **Manager Community Services** • **Senior Ranger**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 150922 / 20 September 2022

2 Building Act 2011 Delegations

2.1 Council to CEO

2.1.1 Grant a Building Permit

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Act 2011*: 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 *Building Regulations 2012:* 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: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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]. 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:	*Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: *Appointed by CEO*	• **Deputy Chief Executive Officer** • **Manager Development Services** • **Principal Building Surveyor**

	• **Building Surveyor Practitioner** • **Customer Service Officer – Development Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 111221 / 21 December 2021.
2	Added Facilities & Maintenance Coordinator as sub-delegate.

2.1.2 Demolition Permits

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Act 2011*: 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 Building Regulations 2012 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: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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]. 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:	*Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: *Appointed by CEO*	• **Manager Development Services** • **Principal Building Surveyor** • **Customer Service Officer – Development Services**

CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 111221 / 21 December 2021.
2	Added Facilities & Maintenance Coordinator as sub-delegate.

2.1.3 Occupancy Permits or Building Approval Certificates

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Act 2011*: 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 Building Regulations 2012 r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	*Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: *Appointed by CEO*	• **Manager Development Services** • **Principal Building Surveyor** • **Customer Service Officer – Development Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	a. The extent of authority for Customer Service Officers is s55 ONLY.

Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution 111221 / 21 December 2021.
2	Added Facilities & Maintenance Coordinator as sub-delegate.

2.1.4 Finishes of Walls Close to Boundaries

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Act 2011*: s.88 Finishes of walls close to boundaries
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	*Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: *Appointed by CEO*	• **Manager Development Services** • **Principal Building Surveyor** • **Senior Town Planner** • **Town Planner**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil

Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution 111221 / 21 December 2021.
2	Added Facilities & Maintenance Coordinator as sub-delegate.

2.1.5 Designate Employees as Authorised Persons

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Act 2011*: s.96(3) authorised persons s.99(3) Limitation on powers of authorised person
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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)]. NOTE: An *authorised person* for the purposes of sections 96(3) and 99(3) is not an *approved officer* or *authorised officer* for the purposes of Building Reg. 70.
Council Conditions on this Delegation:	~~a. Decisions under this delegated authority should be in accordance with r.5A of the Building Regulations 2012.~~ Designations of authorised persons must be in accordance with r.4A and 4B of the Building Regulations 2012.
Express Power to Sub-Delegate:	*Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: *Appointed by CEO*	Nil
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 111221 / 21 December 2021.
2	Added Facilities & Maintenance Coordinator as sub-delegate.

2.1.6 Building Orders

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Act 2011*: 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: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to make Building Orders in relation to: 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: 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 *Building Act 2011*.
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	*Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: *Appointed by CEO*	• **Manager Development Services** • **Principal Building Surveyor**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 111221 / 21 December 2021.
2	Added Facilities & Maintenance Coordinator as sub-delegate.

2.1.7 Inspection and Copies of Building Records

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Act 2011*: s.131(2) Inspection, copies of building records
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	*Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: *Appointed by CEO*	• **Manager Development Services** • **Principal Building Surveyor**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil

Compliance Links:	s.146 Confidentiality
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution 111221 / 21 December 2021.
2	Added Facilities & Maintenance Coordinator as sub-delegate.

2.1.8 Referrals and Issuing Certificates

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Act 2011*: s.145A Local Government functions
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	*Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: *Appointed by CEO*	• **Manager Development Services** • **Principal Building Surveyor**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	a. The Deputy Chief Executive Officer and Manager Development Services 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 111221 / 21 December 2021.
2	Added Facilities & Maintenance Coordinator as sub-delegate.

2.1.9 Private Pool Barrier – Alternative and Performance Solutions

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Regulations 2012*: r.51 Approvals by permit authority
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	*Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: *Appointed by CEO*	• **Manager Development Services** • **Principal Building Surveyor**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil

Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution 111221 / 21 December 2021.
2	Added Facilities & Maintenance Coordinator as sub-delegate.

2.1.10 Smoke Alarms – Alternative Solutions

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Regulations 2012:* r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	*Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: *Appointed by CEO*	• **Manager Development Services** • **Principal Building Surveyor**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil

Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution 111221 / 21 December 2021.
2	Added Facilities & Maintenance Coordinator as sub-delegate.

2.1.11 Appointment of approved officers and authorised officers

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

Sub-Delegate/s: *Appointed by CEO*	Nil
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 111221 / 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

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.13(4) Duties and powers of bush fire liaison officers
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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 111221 / 21 December 2021.

3.1.2 Prohibited Burning Times - Vary

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* 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:	*Bush Fires Act 1954:* s.17(7) Prohibited burning times may be declared by Minister
Delegate:	**Shire President and Chief Bush Fire Control Officer (jointly)**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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 111221 / 21 December 2021.

3.1.3 Prohibited Burning Times – Control Activities

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* 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 *Bush Fire Regulations 1954:* 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: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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)

Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution 111221 / 21 December 2021.

3.1.3 Restricted Burning Times – Vary and Control Activities

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* 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 *Bush Fire Regulations 1954:* 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: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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)]. 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].

	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]. 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)]. 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)]. 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)].
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 111221 / 21 December 2021.

3.1.5 Firebreaks

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.33 Local government may require occupier of land to plough or clear fire-breaks
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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: 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)]. 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; a. 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. 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

	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 111221 / 21 December 2021.

3.1.6 Recovery of Expenses Incurred through Contraventions of this Act

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.58 General penalty and recovery of expenses incurred
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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 111221 / 21 December 2021.

3.1.7 Prosecution of Offences, Issuing of Infringements and Withdrawals

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government s.59(3) Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.59 Prosecution of offences s.59A(2) Alternative procedure – infringement notices
Delegates:	• **Chief Executive Officer** • **Manager Community Services** • **Community Emergency Services Manager** • **Senior Ranger** • **Ranger** • **Fire Inspection Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	*Bush Fires Act 1954:* s.65 Proof of certain matters s.66 Proof of ownership or occupancy *Bush Fires (Infringements) Regulations 1978* 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. Regulation 5 - prescribed forms
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution 111221 / 21 December 2021.
2	Amended by Council Resolution 171123 / 21 November 2023.
3	Amended by Council Resolution 241223 / 12 December 2023.

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

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government *Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO
Express Power or Duty Delegated:	*Bush Fires Act 1954:* 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: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and 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)]. 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)

Compliance Links:	
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution 111221 / 21 December 2021.

APPOINTED PERSONS UNDER DELEGATION 3.1.8

NAME	AUTHORISED POSITION	DATE APPOINTED
Emily Harper	Fire Control Officer and Chief Bush Fire Control Officer	27 July 2026
Chris Hoare	Fire Control Officer and Deputy Bush Fire Control Officer	10 August 2026
Nigel Marsh	Fire Control Officer	10-Sep-24
Craig Lilley	Fire Control Officer (Senior #1)	10-Sep-24
Brodie Walton	Fire Control Officer	10-Sep-24
Mark Guerin	Fire Control Officer	10-Sep-24
Craig Hughes	Fire Control Officer	10-Sep-24
Chris Hudson	Fire Control Officer	10-Sep-24
Brian Vigus	Fire Control Officer	10-Sep-24
Craig Lilley	Fire Control Officer	10-Sep-24
Paul Moncrieff	Fire Control Officer	10-Sep-24
Murray Brooker	Fire Control Officer	10-Sep-24
Ian Coulson	Fire Control Officer	10-Sep-24
Graham Dixon	Fire Control Officer	10-Sep-24
Trevor Brown	Fire Control Officer	10-Sep-24
Geoff Bowley	Fire Control Officer	10-Sep-24
Gavin Butler	Fire Control Officer	10-Sep-24
Darin Hockley	Fire Control Officer	10-Sep-24
Lez Baines	Fire Control Officer and Fire Weather Officer	10-Sep-24
Adrian Kranendonk	Fire Control Officer and Fire Weather Officer	10-Sep-24
Amy Pope	Fire Control Officer	4-Dec-24
Ulysses Moore	Fire Control Officer	23-Dec-24
Ben Collyer	Fire Control Officer	11 November 26
Esther Fulton-Grigg	Fire Control Officer	11 November 26

4 Cat Act 2011 Delegations

4.1 Council to CEO

4.1.1 Cat Registrations

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Cat Act 2011:* s.44 Delegation by local government
Express Power or Duty Delegated:	*Cat Act 2011*: s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags *Cat Regulations 2012* Schedule 3, cl.1(4) Fees Payable
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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 *Cat Act 2011*.
Express Power to Sub-Delegate:	*Cat Act 2011:* s.45 Delegation by CEO of local government

Sub-Delegate/s: *Appointed by CEO*	• **Manager Community Services** • **Senior Ranger** • **Ranger** • **Customer Service Officer – Corporate Services** • **Customer Service Officer – Community Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	a. Customer Service Officer – Corporate Services and Customer Service Officer – Community Services has delegated functions of 1, 2, 3 and 4 ONLY.

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 *Cat Act 2011*.
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution 111221 / 21 December 2021.

4.1.2 Cat Control Notices

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Cat Act 2011:* s.44 Delegation by local government
Express Power or Duty Delegated:	*Cat Act 2011*: s.26 Cat control notice may be given to cat owner
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	*Cat Act 2011:* s.45 Delegation by CEO of local government

Sub-Delegate/s: *Appointed by CEO*	• **Manager Community Services** • **Senior Ranger** • **Ranger**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil

Compliance Links:	*Cat Regulations 2012* – r.20 Cat control notice [s.23(3)], prescribes the Form of the notice.
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution 111221 / 21 December 2021.

4.1.3 Approval to Breed Cats

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Cat Act 2011:* s.44 Delegation by local government
Express Power or Duty Delegated:	*Cat Act 2011*: 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: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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 *Cat Act 2011*.
Express Power to Sub-Delegate:	*Cat Act 2011:* s.45 Delegation by CEO of local government

Sub-Delegate/s: *Appointed by CEO*	• **Manager Community Services** • **Senior Ranger**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 111221 / 21 December 2021.

4.1.4 Recovery of Costs – Destruction of Cats

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Cat Act 2011:* s.44 Delegation by local government
Express Power or Duty Delegated:	*Cat Act 2011*: s.49(3) Authorised person may cause cat to be destroyed
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	*Cat Act 2011:* s.45 Delegation by CEO of local government

Sub-Delegate/s: *Appointed by CEO*	• **Manager Corporate Services** • **Manager Community Services** • **Senior Ranger**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil

Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution 111221 / 21 December 2021.

4.1.5 Applications to Keep Additional Cats

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Cat Act 2011:* s.44 Delegation by local government
Express Power or Duty Delegated:	*Cat (Uniform Local Provisions) Regulations 2013*: 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: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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 *Cat (Uniform Local Provisions) Regulations 2013*.
Express Power to Sub-Delegate:	*Cat Act 2011:* s.45 Delegation by CEO of local government

Sub-Delegate/s: *Appointed by CEO*	• **Manager Community Services** • **Senior Ranger**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil

Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution 111221 / 21 December 2021.

4.1.6 Reduce or Waiver Registration Fee

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Cat Act 2011:* s.44 Delegation by local government
Express Power or Duty Delegated:	*Cat Regulations 2012*: Schedule 3 Fees clause 1(4)
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat.
Council Conditions on this Delegation:	a. This delegation does NOT provide authority to determine to reduce or waiver the fees payable in regard to any class of cat within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the *Local Government Act 1995*.
Express Power to Sub-Delegate:	*Cat Act 2011:* s.45 Delegation by CEO of local government

Sub-Delegate/s: *Appointed by CEO*	• **Manager Community Services** • **Senior Ranger**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil

Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution 111221 / 21 December 2021.

4.2 Cat Act Delegations - CEO to Employees

4.2.1 Infringement Notices – Extensions and Withdrawals

Delegator: *Power / Duty assigned in legislation to:*	Chief Executive Officer
Express Power to Delegate: *Power that enables a delegation to be made*	*Cat Act 2011:* s.45 Delegation by CEO of local government
Express Power or Duty Delegated:	*Cat Act 2011*: s.64 Extension of time s.65 Withdrawal of notice
Delegate/s:	• **Manager Community Services** • **Senior Ranger**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	*Cat Regulations 2012:* 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 111221 / 21 December 2021.

5. Dog Act 1976 Delegations

5.1 Dog Act Delegations Council to CEO

5.1.1 Refuse or Cancel Registration

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976*: 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: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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: 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 *Cat Act 2011* or the *Animal Welfare Act 2002*; 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)]. i. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had be found in contravention of

	section 31, 32 or 33A and had not been claimed [s.17(6)]
Council Conditions on this Delegation:	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	*Dog Act 1976:* s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: *Appointed by CEO*	• **Manager Community Services** • **Senior Ranger** • **Ranger**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil

Compliance Links:	*Dog Act 1976* 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 111221 / 21 December 2021.

5.1.3 Kennel Establishments

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976*: s.27 Licensing of approved kennel establishments
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	*Dog Act 1976:* s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: *Appointed by CEO*	• **Manager Community Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 111221 / 21 December 2021.

5.1.3 Recovery of Moneys Due Under this Act

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976*: s.29(5) Power to seize dogs
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	*Dog Act 1976:* s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: *Appointed by CEO*	• **Executive Manager Corporate Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 111221 / 21 December 2021.
2	Added sub-delegate – Executive Manager Corporate Services / 20 February 2024

5.1.4 Dispose of or Sell Dogs Liable to be Destroyed

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976*: s.29(11) Power to seize dogs
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	*Dog Act 1976:* s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: *Appointed by CEO*	• **Manager Community Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil

Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution 111221 / 21 December 2021.

5.1.5 Declare Dangerous Dog

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976*: s.33E(1) Individual dog may be declared to be dangerous dog (declared)
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	*Dog Act 1976:* s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: *Appointed by CEO*	• **Manager Community Services** • **Senior Ranger** • **Ranger**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 111221 / 21 December 2021.

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

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976*: 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: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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)] 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:	*Dog Act 1976:* s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: *Appointed by CEO*	Nil
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 111221 / 21 December 2021.

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

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976*: s.33H(5) Local government may revoke declaration or proposal to destroy
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	*Dog Act 1976:* s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: *Appointed by CEO*	Nil
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 111221 / 21 December 2021.

5.1.8 Dog Registration Officers

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976*: s.3(1) Registration Officers
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to authorise persons to be registration officers.
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	*Dog Act 1976:* s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: *Appointed by CEO*	Nil
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 111221 / 21 December 2021.

5.1.10 Keeping of more than permitted number of dogs

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976*: s.26(3) Limitations as to numbers
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to grant an exemption to keep more than the permitted number of dogs under the Shire of Denmark Local Law [s.26(3)].
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 Dog Act 1976.
Express Power to Sub-Delegate:	*Dog Act 1976:* s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: *Appointed by CEO*	• **Manager Community Services** • **Senior Ranger**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 160822 / 16 August 2022.

6. Food Act 2008 Delegations

6.1 Council to CEO or Positions

6.1.1 Prohibition Orders

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Food Act 2008:* 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:	*Food Act 2008*: 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: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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 111221 / 21 December 2021.

6.1.2 Food Business Registrations

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Food Act 2008:* s.118Functions 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:	*Food Act 2008*: 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: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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: • 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 111221 / 21 December 2021.

6.1.3 Appoint Authorised Officers and Designated Officers

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Food Act 2008:* s.118Functions 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:	*Food Act 2008*: s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(2)]. 2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the *Public Health Act 2016,* to be a Designated Officer for the purposes of issuing Infringement Notices under the *Food Act 2008* [s.126(13)]. 3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].
Council Conditions on this Delegation:	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: • 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 111221 / 21 December 2021.

7. Graffiti Vandalism Act 2016 Delegations

7.1 Council to CEO

7.1.1 Give Notice Requiring Obliteration of Graffiti

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Graffiti Vandalism Act 2016:* s.16 Delegation by local government
Express Power or Duty Delegated:	*Graffiti Vandalism Act 2016:* s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	*Graffiti Vandalism Act 2016:* s.17 Delegation by CEO of local government

Sub-Delegate/s: *Appointed by CEO*	• **Director Infrastructure and Assets** • **Manager Development Services** • **Compliance Officer**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 111221 / 21 December 2021.

7.1.2 Notices – Deal with Objections and Give Effect to Notices

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Graffiti Vandalism Act 2016:* s.16 Delegation by local government
Express Power or Duty Delegated:	*Graffiti Vandalism Act 2016:* s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to deal with an objection to a notice [s.22(3)]. 2. Authority, where an objection has been lodged, to: 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:	*Graffiti Vandalism Act 2016:* s.17 Delegation by CEO of local government

Sub-Delegate/s: *Appointed by CEO*	• **Director Infrastructure and Assets**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 111221 / 21 December 2021.

7.1.3 Obliterate Graffiti on Private Property

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Graffiti Vandalism Act 2016:* s.16 Delegation by local government
Express Power or Duty Delegated:	*Graffiti Vandalism Act 2016:* s.25(1) Local government graffiti powers on land not local government property
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s.25(1)].
Council Conditions on this Delegation:	a. Subject to exercising Powers of Entry.
Express Power to Sub-Delegate:	*Graffiti Vandalism Act 2016:* s.17 Delegation by CEO of local government

Sub-Delegate/s: *Appointed by CEO*	• **Director Infrastructure and Assets** • **Executive Manager Corporate Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil

Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution 111221 / 21 December 2021.
2	Added sub-delegate – Executive Manager Corporate Services / 20 February 2024

7.1.4 Powers of Entry

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Graffiti Vandalism Act 2016:* s.16 Delegation by local government
Express Power or Duty Delegated:	*Graffiti Vandalism Act 2016:* s.28 Notice of entry s.29 Entry under warrant
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	*Graffiti Vandalism Act 2016:* s.17 Delegation by CEO of local government

Sub-Delegate/s: *Appointed by CEO*	• **Director Infrastructure and Assets** • **Executive Manager Corporate Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil

Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution 111221 / 21 December 2021.
2	Added sub-delegate – Executive Manager Corporate Services / 20 February 2024

8. Public Health Act 2016 Delegations

8.1 Council to CEO

8.1.1 Enforcement Agency Reports to the Chief Health Officer

Delegator: *Power / Duty assigned in legislation to:*	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: *Power that enables a delegation to be made*	*Public Health Act 2016:* s.21 Enforcement agency may delegate to CEO
Express Power or Duty Delegated:	*Public Health Act 2016* s.22 Reports by and about enforcement agencies
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	*Public Health Act 2016* 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 111221 / 21 December 2021.

8.1.2 Designate Authorised Officers

Delegator: *Power / Duty assigned in legislation to:*	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: *Power that enables a delegation to be made*	*Public Health Act 2016:* s.21 Enforcement agency may delegate to CEO
Express Power or Duty Delegated:	*Public Health Act 2016* s.24(1) and (3) Designation of authorised officers
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to designate a person or class of persons as authorised officers for the purposes of: 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. Including: 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:	a. Subject to each person so appointed being; • 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:	*Public Health Act 2016* s.20 Conditions on performance of functions by enforcement agencies. s.25 Certain authorised officers required to have qualifications and experience. s.26 Further provisions relating to designations s.27 Lists of authorised officers to be maintained s.28 When designation as authorised officer ceases s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers s.30 Certificates of authority

	s.31 Issuing and production of certificate of authority for purposes of other written laws s.32 Certificate of authority to be returned. s.136 Authorised officer to produce evidence of authority *Criminal Investigation Act 2006*, Parts 6 and 13 – refer s.245 of the *Public Health Act 2016* *The Criminal Code*, Chapter XXVI – refer s.252 of the *Public Health Act 2016*
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

1	Added by Council Resolution 111221 / 21 December 2021.

9. Planning and Development Act 2005 Delegations

9.1 Council to CEO

9.1.1 Illegal Development

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Planning and Development Act 2005:* Section 214(2), (3) and (5)
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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: (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:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	Nil
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil

Compliance Links:	Part 13 of the *Planning and Development Act 2005*

	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 111221 / 21 December 2021.

9.2 Local Planning Scheme – Council to CEO

9.2.1 Local Planning Scheme

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Planning & Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 10, cl.82 Delegations by local government
Express Power or Duty Delegated:	*Shire of Denmark Town Planning Scheme*
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	a. Authority to exercise all duties and powers available to the local government.
Council Conditions on this Delegation:	**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. **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. 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. **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.

	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.
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

Sub-Delegate/s: *Appointed by CEO*	• **Director Infrastructure and Assets** • **Manager Development Services** • **Senior Town Planner** • **Town Planner**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	a. 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: 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 111221 / 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)]

Published by:
Environment

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No. 47. 19-Mar-2004
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EV401

ENVIRONMENTAL PROTECTION ACT 1986
Section 20
Delegation No. 52

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

Powers and duties delegated—

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

Persons to whom delegation made—

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

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

Dated this 9th day of January 2004.

Approved—

FERDINAND TROMP, A/Chief Executive Officer.

Dr JUDY EDWARDS MLA, Minister for the Environment.

10.1.2 Noise Management Plans – Construction Sites

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No. 71. 16-May-2014
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EV405

ENVIRONMENTAL PROTECTION ACT 1986

Delegation No. 119

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

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

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

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

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

Dated the 1st day of May 2014.

JASON BANKS, Acting Chief Executive Officer.

10.2 Planning and Development Act 2005

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

DoL FILE 1738/2002v8; 858/2001v9

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF AUTHORISATION

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

Dated the 2nd day of June 2016

HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS

SCHEDULE

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

Column 1

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

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

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

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

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

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

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

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

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

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

Column 2

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

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

Column 3

In accordance with and subject to approved Government Land policies.

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

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

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

HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS

2nd **day of** June **2016**

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

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 [File Ref: LIC.14]

10.3.2 Traffic Management – Road Works [File Ref: LIC.14]

10.4 Road Traffic (Vehicles) Act 2012

10.4.1 Approval for Certain Local Government Vehicles as Special Use Vehicles [File Ref: LIC.14]

10.5 Australian Citizenship Act 2007

10.5.1 Instrument of Authorisation – Pledge of Commitment [File Ref: LIC.14]