



Shire of EAST
Pilbara
AUSTRALIA'S LARGEST SHIRE

Shire of East Pilbara Authorisations and Delegations Manual 2018- 2019

Adopted by Council on 29 June 2018

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Introduction to Delegations of Authority

1. INTRODUCTION

1.1 Legislation

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

One of the changes is the degree of delegated authority available to be passed onto the Chief Executive Officer (CEO) or a Committee in order to perform the functions of a local government.

The Act allows the Council, as the governing body of a local government, to delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under the Act, subject to some exceptions. However, all delegations made by the Council must be by absolute majority decision (s5.42 (1) of the Act).

1.2 Associated Legislation

Legislation other than the *Local Government Act 1995* ("the Act"), its regulations and the local government's local laws created under the Act, where delegations or authorisations may occur, are as follows:

- *Building Act 2011* and regulations;
- *Bush Fires Act 1954*, regulations and local laws created under that Act;
- *Caravan Parks and Camping Grounds Act 1995*;
- *Cat Act 2011*, regulations and local laws created under that Act;
- *Control of Vehicles (Off-road Areas) Act 1978* and regulations;
- *Dog Act 1976* regulations and local laws created under that Act;
- *Food Act 2008* and regulations;
- *Freedom of Information Act 1992*;
- *Public Health Act 2016*, subsidiary legislation and local laws created under that Act;
- *Land Administration Act 1997* (as amended) and regulations;
- *Local Government (Miscellaneous Provisions) Act 1960* (as amended);
- *Planning and Development Act 2005*, including regulations and adopted policies.

NB: This is not an exhaustive list.

1.3 Delegations by the Chief Executive Officer

The *Local Government Act 1995* ("the Act"), allows the CEO to delegate any of the powers to another employee (s5.44(1) of the Act). This must be done in writing (s5.44(2) of the Act). The Act allows the CEO to place conditions on any delegations if desired (s5.44(4) of the Act).

A register of delegations relevant to the CEO and other employees is to be kept and reviewed at least once every financial year (s5.46(1), (2) of the Act). If a person is exercising a power or duty that they have been delegated, the Act requires that records be kept whenever the delegated authority is used (s5.46(3) of the Act).

The record is to contain the following information:

- How the person exercised the power or discharged the duty;
- When the person exercised the power or discharged the duty; and
- The persons or classes of persons, other than Council or Committee members or employees of the local governments, directly affected by the exercise of the power or the discharge of the duty (reg 19 *Local Government (Administration) Regulations 1996*).

A person to whom a power is delegated under the Act is considered to be a 'designated employee' under s5.74(b) and is required to complete a primary and annual return each year.

There is no power for a person, other than the CEO to delegate a power (s5.44(1) of the Act).

1.4 Matters which cannot be delegated

There are a number of matters that cannot be delegated and which remain the right of Council.

Refer to s5.43 of the *Local Government Act 1995*:

"A local government cannot delegate to a CEO any of the following powers or duties -

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

2. BACKGROUND

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

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

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

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

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

2.1 The governance structure

The Western Australian local government governance regime provides that the Council appoints a CEO and the CEO appoints employees. Similarly, all local government employees are responsible to the CEO who in turn is responsible to the Council.

Wherever possible, the Shire of East Pilbara will endeavor to ensure authorisations and delegations conform to this governance structure. Delegations will be established from the Council to the CEO and this will enable the CEO to either delegate power to officers or authorise officers as the CEO sees fit.

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

2.2 Delegations

This section provides guidance on the statutory framework for delegated authority. It addresses the two statutory requirements for delegated authority – the power to delegate and the power being delegated. This section also addresses some common conditions on delegation that apply in the local government setting.

2.3 The power to delegate

The ability to delegate a statutory function, power or duty must be described in a piece of legislation and is known as the power of delegation. This is the first statutory requirement for an effective delegation; the ability to delegate powers. The following powers of delegation are contained in legislation relevant to local government.

Building Act 2011 - s.127

Bush Fires Act 1954 - s.48 and s.59(3)

Cat Act 2011 - s.44 and s.45

Food Act 2008 - s.118

Local Government Act 1995 - s.5.16, s.5.42, and s.5.44

Western Australian Planning Commission Act 1985 - s.19A and s.20

2.4 The power being delegated

The second statutory requirement for an effective delegation is the existence of a power to be delegated. The power must be able to be exercised by the person or body wanting to delegate that power and it must be contained in legislation that has an associated power of delegation.

A range of different powers can be delegated. An important aspect of any delegation of power is certainty as to the power being delegated. The person or body delegating authority should clearly specify in the instrument of delegation the statutory power or duty being delegated. This will ensure that the person exercising delegated authority can be certain of the extent of authority conferred by the delegation. The statutory reference to the power being delegated should be included in the instrument of delegation.

Reviewing the above list it is clear that there is a limited range of legislation under which powers can be delegated. There is no express provision for a local government to delegate its functions under any other legislation. However, this does not prohibit the local government from “acting through” its officers for the purpose of other legislation and the manner in which this can be achieved is discussed below.

2.5 General conditions of delegations

Each power of delegation may be subject to its own conditions and these are noted in the above list. However, there are some broad conditions of delegation that are discussed as follows:

2.6 The Interpretation Act 1984

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

“58. Delegates, performance of functions by

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

“59. Power to delegate, construction of

(1) Where a written law confers power upon a person to delegate the exercise of any power or the performance of any duty conferred or imposed upon him under a written law –

(a) such a delegation shall not preclude a person so delegating from exercising or performing at any time a power or duty so delegated;

(b) such a delegation may be made subject to such conditions, qualifications, limitations or exceptions as the person so delegating may specify;

(c) if the delegation may be made only with the approval of some person, such delegation, and any amendment of the delegation, may be made subject to such conditions, qualifications, limitations or exceptions as the person whose approval is required may specify;

(d) such a delegation may be made to a specified person or to persons of a specified class, or may be made to the holder or holders for the time being of a specified office or class of office;

(e) such a delegation may be amended or revoked by instrument in writing signed by the person so delegating;

2.7 The concept of acting through

(Extracted from DLGRD Guideline 17 – Delegations)

In addition to covering delegations, the Local Government Act 1995 (“the Act”) introduces the concept of ‘acting through’. Section 5.45 of the Act states that in relation to delegations, nothing prevents a “local government from performing any of its functions by acting through a person other than the CEO” or “a CEO from performing any of his or her functions by acting through another person.” The Act does not specifically define the meaning of the term ‘acting through.’ However, the key difference between a delegation and ‘acting through’ is that a delegate exercises the delegated decision making function in his or her own right. The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the ‘acting through’ concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.

For administrative purposes, a person may sign a letter in his or her name on behalf of the CEO while, with delegated powers, the person would sign a letter in his or her own name, in accordance with the delegated authority.

An appropriate method for a council of a local government to make a decision which will be implemented by its officers is for it to make a

policy about particular functions that it performs. In that case there is no need for a delegation as it will be the role of the organisation to implement those policy decisions.

A. AUTHORISATIONS from Council

Delegation

Reference	3.1
Subject	Bush Fires Act 1954 - Appointment of Bush Fire Control Officers

Delegated by

Council

Delegates

CEO

Subdelegates

Manager Community Safety
 Coordinator Ranger & Emergency Services
 Ranger
 Chief Bush Fire Control Officer

Power or Duty

The Chief Executive Officer is authorised to appoint such persons, as is necessary, to be bush fire control officers under and for the purposes of the *Bush Fires Act 1954*. Of those people, appoint the following:

- Department of Fire & Emergency Services Hedland Area Officer as Chief Bush Fire Control Officer.
- Manager Community Safety as the Deputy Chief Bush Fire Control Officer.
- Coordinator Ranger & Emergency Services & Rangers as Fire Control Officers.

Conditions

The local government shall cause notice of an appointment to be published at least once in a newspaper circulating in its district (s38(2A) of the *Bush Fires Act 1954*).

A bush fire control officer appointed by the local government shall be issued with a certificate of appointment (s38(2E) of the *Bush Fires Act 1954*).

Statutory Framework

Bush Fires Act 1954

s38(1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

s48(1) A local government may, in writing, delegate to its chief executive officer the performance of any of its functions under this Act.

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Date	Amendment	References
29 June 2018	<p>In accordance with the MOU signed between the SoEP and DFES - change the bush fire control officers as below:</p> <p>DFES Hedland Area Officer as Chief Bush Fire Control Officer Manager Community Safety as Deputy Chief Bush Fire Control Officer Coordinator Ranger & Emergency Services & Rangers as Fire Control Officers</p>	

Delegation

Reference	3.2
Subject	Caravan Parks and Camping Grounds Act 1995 - Appointments

Delegated by

Council

Delegates

CEO

Subdelegates

Director Technical & Development Services
 Manager Development Services - Building
 Manager Development Services - Health
 Manager Development Services - Planning
 Manager Community Safety
 Coordinator Ranger & Emergency Services
 Ranger
 Environmental Health Officer

Power or Duty

The Chief Executive Officer is authorised to exercise the powers and duties of a local government, and to administer and enforce the provisions of the *Caravan Parks and Camping Grounds Act 1995*.

To appoint certain persons as Authorised Persons for the purpose of s23(11) of the *Caravan Parks and Camping Grounds Act 1995*.

Conditions

Authorised Persons for the purposes of s17 of the Act:

- Chief Executive Officer
- Director Technical and Development Services
- Manager Development Services – Building
- Manager Development Services – Health
- Manager Development Services – Planning
- Manager Community Safety
- Coordinator Ranger and Emergency Services
- Rangers
- Environmental Health Officer

In accordance with s23 (2) and (3) the following are appointed as authorised persons for the purpose of serving infringement notices :

- Rangers
- Coordinator Ranger and Emergency Services
- Manager Community Safety
- Environmental Health Officer

Authorised Persons for the purposes of s23 (5): extension period and 23 (7): infringement notice withdrawal are:

- Chief Executive Officer
- Director Technical and Development Services

ss17 and 23 of the *Caravan Parks and Camping Grounds Act 1995*:

A local government must issue each person appointed as an Authorised Person, with an identity card, in the prescribed form, certifying that the person is an Authorised Person for the purposes of this Act (s17(1)(b) *Caravan Parks and Camping Grounds Act 1995*).

Statutory Framework

Caravan Parks and Camping Grounds Act 1995

s17(1) The chief executive officer of the Department or a local government —

(a) may appoint such persons to be authorised persons for the purposes of this Act as the Chief Executive Officer or the local government considers necessary.

s23(5) an authorised person may, in a particular case, 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.

s23(7) an authorised person may, whether or not the modified penalty has been paid, withdraw an infringement notice by sending to the alleged offender a notice in the prescribed form stating that the infringement notice has been withdrawn.

s23(11) A local government may in writing, appoint persons or classes of persons to be authorised persons for the purposes of subsection (2),(3), (5) or (7) or for the purposes of 2 or more of those subsections, but a person who is authorised to give infringement notices under subsection (2) is not eligible to be an authorised person for the purposes of any of the other subsections.

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Nil

Delegation

Reference	3.3
Subject	Cat Act 2011 - Appointments

Delegated by

Council

Delegates

CEO

Subdelegates

Coordinator Administration Services
 Coordinator Technical & Development Services
 Customer Services Officer
 Coordinator Ranger & Emergency Services
 Ranger
 Manager Community Safety
 Manager Development Services - Health
 Environmental Health Officer
 Deputy CEO
 Director Technical & Development Services

Power or Duty

The Chief Executive Officer is delegated the authority of the local government to, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions under the *Cat Act 2011*.

Conditions

Authorised persons for all purposes under the *Cat Act 2011* and *Cat Regulations 2012*, including the registration of cats under Section 9 of the *Cat Act 2011*, excluding the issuing or withdrawal of infringement notices under Sections 62, 64 and 65 of the *Cat Act 2011*.

- Coordinator Administration Services
- Coordinator Technical and Development Services
- Customer Service Officers

Authorised persons for all purposes under the *Cat Act 2011* and *Cat Regulations 2012*, including the registration of cats under section 9 of the *Cat Act 2011* including the issue of infringement notices but excluding the withdrawal of infringement notices.

- Coordinator Ranger and Emergency Services
- Rangers
- Manager Community Safety
- Manager Development Services-Health
- Environmental Health Officer

Authorised Persons for the purposes of s9 of the Act and to withdraw infringement notices.

- Chief Executive Officer
- Deputy Chief Executive Officer
- Director Technical & Development Services

Authorised Persons for the purposes of s9 of the *Cat Act 2011* and the power to commence a prosecution in accordance with section 73 for an offence against the *Cat Act 2011* or a local law made under the *Cat Act 2011*.

s73 (1) Persons that are performing their duties as local government employees or have been authorised by the local government to implement the Act are authorised to commence a prosecution for an offence against this Act

s73(2) Persons that are performing their duties as local government employees or have been authorised by the local government to implement the local law are authorised to commence a prosecution for an offence against the local law

- Chief Executive Officer
- Deputy Chief Executive Officer
- Manager Development Services-Health
- Manager Community Safety

The local government is to issue each Authorised Person a certificate stating that the person is an authorised person for the purposes of this Act (s48(5) *Cat Act 2011*).

Statutory Framework

Cat Act 2011

s42 A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.

s44(1) *Cat Act 2011*: The local government may delegate to its Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under another provision of this Act.

s48(1) A local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions under this Act.

s.9(1)(a) Grant or refuse to grant the registration of a cat.

s.9(1)(b) Renew or refuse to renew the registration of a cat.

s.9(5) Require an applicant to provide any document or information required to determine an application for registration.

s.9(6) Refuse to consider an application, where an applicant has not complied with a request for information.

s10 Cancel the registration of a cat.

s13 Give notice of decisions.

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Nil

Delegation

Reference	3.4
Subject	Control of Vehicles (Off-road Areas) Act 1978

Delegated by

Council

Delegates

CEO
 Manager Community Safety
 Coordinator Ranger & Emergency Services
 Ranger

Subdelegates

N/A

Power or Duty

The Chief Executive Officer is delegated the authority to exercise the powers and duties of a local government and to administer and enforce the provisions in accordance with s38(3) of the *Control of Vehicles (Off-road Areas) Act 1978*.

For the Chief Executive Officer to sign withdrawals of infringement notices on behalf of the local government. as an authorised person.

Conditions

s38(3) *Control of Vehicles (Off-road Areas) Act 1978*, requires a resolution of Council to approve the authorisation.

Authorised persons to issue infringement notices:

- Manager Community Safety
- Coordinator Ranger & Emergency Services
- Rangers

Only the Chief Executive Officer may sign a withdrawal of a Control of Vehicle (Off-Road Areas) infringement notice.

The local government shall issue each Authorised Person with a certificate of his/her appointment as an authorised person, in the prescribed form, evidencing the area of jurisdiction entrusted to him/her under this Act, which he/she shall, on reasonable demand, produce for inspection by any person (s38(4)(a) *Control of Vehicles (Off-road Areas) Act 1978*).

Statutory Framework

Control of Vehicles (Off-road Areas) Act 1978

s38(3)(a) A local government may by resolution appoint —

(a) any employee of the local government to be an ‘authorised officer’ for the purposes of the *Control of Vehicles (Off-Road Areas) Act 1978*

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Nil

Delegation

Reference	3.5
Subject	Dog Act 1976 - CEO's Delegated Authority and Appointments

Delegated by

Council

Delegates

CEO

Subdelegates

Coordinator Administration Services
 Coordinator Technical & Development Services
 Customer Services Officer
 Deputy CEO
 Director Technical & Development Services
 Ranger
 Coordinator Ranger & Emergency Services
 Environmental Health Officer
 Manager Development Services - Health
 Manager Community Safety

Power or Duty

The Chief Executive Officer is delegated authority to appoint certain persons as Registration Officers, Authorised Persons and Pound Administration Persons to exercise the powers and duties of a local government, and to administer and enforce the provisions of the *Dog Act 1976*.

Conditions

Authorised persons for registering the dogs within the Shire

- Coordinator Administration Services
- Coordinator Technical and Development Services
- Administration Officer
- Customer Services Officers

Authorised Persons for the purposes of the *Dog Act 1976* to withdraw infringements:

- Chief Executive Officer
- Deputy Chief Executive Officer
- Director Technical & Development Services

Registration Officers and Authorised Persons for the purposes of s29 of the Act:

- Rangers
- Coordinator Ranger and Emergency Services
- Environmental Health Officer

Registration Officers and Authorised Persons for the purposes of s29 and s33E of the Act and the power to initiate court proceedings under s44(2)(b) of the Act, regulations and local laws:

- Chief Executive Officer
- Deputy Chief Executive Officer
- Manager Development Services – Health
- Manager Community Safety

A person who is authorised by a local government to exercise any power under this Act, shall be furnished with a certificate in the prescribed form evidencing his/her appointment, and shall produce that certificate on being required to do so by a person in respect of whom he/she exercises, has exercised, or is about to exercise any such power (s11(3) Dog Act 1976).

Statutory Framework*Dog Act 1976*

s10AA (1) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, delegate to its Chief Executive Officer any power or duty of the local government under another provision of this Act.

s10AA (5) Nothing in this section limits the ability of a local government's Chief Executive Officer to perform a function through an officer or agent.

s10AB Register of, and review of, delegations.

s11(1) Establish and maintain dog management facilities .

s14(1) Keep a register of dogs.

s26(3) Grant an exemption regarding the number of dogs that may be kept.

s27 Approve kennel establishments

s29(1) Appoint persons to seize dogs

s33(E) Declare a dog to be a dangerous dog

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Nil

Delegation

Reference	3.6
Subject	Public Health Act 2016 - Delegation to the Chief Executive Officer

Delegated by

Council

Delegates

CEO

Subdelegates

N/A

Power or Duty

The Chief Executive Officer is delegated the authority in writing to exercise the power or duty to fulfill the functions stipulated under s16 of the *Public Health Act 2016* on behalf of the local government which is an enforcement agency.

s16 A local government has the following functions in relation to the administration of this Act —

- (a) to initiate, support and manage public health planning for its local government district;
- (b) to develop and implement policies and programmes to achieve the objects of this Act within its local government district;
- (c) to perform the functions that are conferred on local governments by or under this Act;
- (d) to administer and enforce this Act within its local government district in accordance with the objects and principles of this Act.

Conditions

s21(2) A delegation under subsection (1)(b) or (c) must be in writing.

Statutory Framework

Public Health Act 2016

s21. Enforcement agency may delegate

- (1) A power or duty conferred or imposed on an enforcement agency may be delegated —
- (b) if the enforcement agency is a local government, to —
- (i) the chief executive officer of the local government;

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Nil

Delegation

Reference	3.7
Subject	Public Health Act 2016 - Appointments and Designations of Authorised Officers

Delegated by

CEO

Delegates

Manager Development Services - Health
Environmental Health Officer

Subdelegates

N/A

Power or Duty

The Chief Executive Officer is delegated the authority of the local government in writing to appoint one or more persons as Environmental Health Officers.

The Chief Executive Officer is delegated the authority of the local government in writing to designate the Environmental Health Officers as authorised officers under and for the purposes of the *Public Health Act 2016* to perform such duties as the local government from time to time directs and also such as are specially prescribed by any order addressed by the Chief Health Officer, Public Health to the local government.

Conditions

Public Health Act 2016

s17(3) A local government must not appoint a person as an environmental health officer unless the person has the qualifications and experience approved by the Chief Health Officer under section 18.

s27 Each enforcement agency must prepare and maintain a list of —
(a) the persons (if any) who are individually designated as authorised officers by the agency; and
(b) the classes of persons (if any) who are designated as authorised officers by the agency.

s30 Certificates of authority

(1) An enforcement agency must issue to each person who is an authorised officer by virtue of a designation by the agency a certificate of authority as an authorised officer.

(2) The certificate of authority must —

- (a) state that it is issued under this Act; and
 - (b) state the name of the person to whom it is issued and bear —
 - (i) a photograph or digital image of that person; and
 - (ii) the person's signature; and
 - (c) state the date, if any, on which it expires; and
 - (d) specify —
 - (i) the Acts or the provisions of the Acts for the purposes of which the person is designated as an authorised officer; and
 - (ii) any provisions of an Act that are excluded from the designation; and
 - (e) specify any conditions or restrictions to which the person's authority is subject; and
 - (f) bear the signature of the person by whom it is issued and state the capacity in which the person is acting in issuing the certificate.
- (3) An authorised officer must produce the certificate of authority —
- (a) if asked to do so by the person in charge of any premises entered under this Act by the authorised officer; or
 - (b) if asked to do so by a person who, under this Act, is required by the authorised officer to produce anything or to answer any question.

Authorised Persons are empowered to perform the following functions:

Issue improvement notices according to s212.

s214 Before the end of the period specified in the improvement notice under section s213(2)(e), an authorised officer may, on his or her own initiative or on the application of the person given the notice, extend by written notice given to the person the period within which the person must take action in accordance with the improvement notice.

Authority for the Manager Development Services includes the ability to sign such documents and initiate appropriate legal action on behalf of the local government when a breach of the Act and related legislation warrants such action, provided that the power to prosecute any person is ONLY exercised with the agreement of the Chief Executive Officer.

Statutory Framework

Public Health Act 2016

s17(1) A local government may appoint one or more persons as environmental health officers.

s24(1) An enforcement agency may designate a person or class of person as authorised officers

s24(3) An enforcement agency that is a local government may designate under subsection (1) —(a) an environmental health officer or environmental health officers as a class

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Nil

B. EXECUTIVE SERVICES

Delegation

Reference	4.0
Subject	Election of Presiding Members and Deputies - Delegation

Delegated by

CEO

Delegates

Deputy CEO
Manager Corporate Services

Subdelegates

N/A

Power or Duty

The Chief Executive Officer delegates authority to the Deputy Chief Executive Officer or the Manager Corporate Services to fulfill the duties of Section 3 and 4 of Schedule 2.3 of the *Local Government Act 1995* at any meeting where the Chief Executive Officer is not present and it is required.

Conditions

Nil

Statutory Framework

Local Government Act 1995

s2.11(1)(b) Alternative methods of filling office of mayor or president

(1) When an order is made under section 2.1 declaring an area of the State to be a district, the Governor is, by order, to specify whether the first mayor or president of the local government is to be —

(b) elected by the council from amongst the councillors under Schedule 2.3, Division 1.

s2.15 Filling office of deputy mayor or deputy president

The deputy mayor or deputy president is to be elected by the council under Schedule 2.3, Division 2.

Schedule 2.3 — When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council

1. Terms used

In this Division —

extraordinary vacancy means a vacancy that occurs under section 2.34(1);

office means the office of councillor mayor or president.

2. When council elects mayor or president

(1) The office is to be filled as the first matter dealt with —

(a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and

(b) at the first meeting of the council after an extraordinary vacancy occurs in the office.

(2) If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.

3. CEO to preside

The CEO is to preside at the meeting until the office is filled.

4. How mayor or president is elected

(1) The council is to elect a councillor to fill the office.

(2) The election is to be conducted by the CEO in accordance with the procedure prescribed.

(3) Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.

(3a) Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.

(4) If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.

(5) The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.

(6) Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.

(7) As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Date	Amendment	References
29 June 2018	Remove reference to section 5.12 - Presiding members and deputies, election of. This is a reference to Committees. Correct section to reference is s.2.11(1)(b) and s.2.15 which refers to Council.	Nil

Delegation

Reference	4.1
Subject	Acting Chief Executive Officer

Delegated by

Council

Delegates

CEO

Subdelegates

N/A

Power or Duty

The Chief Executive Officer is delegated the power to approve the Deputy Chief Executive Officer to be in the position of Acting Chief Executive Officer during unscheduled or scheduled absences of the Chief Executive Officer, and for periods of up to 35 days.

Conditions

Should the Chief Executive Officer be absent for more than 35 days, the authority to appoint an Acting Chief Executive Officer shall be determined by Council.

Statutory Framework

Local Government Act 1995

s5.42 Delegation of some powers and duties to CEO

s5.43 Limits on delegations to CEO

s5.44 CEO may delegate powers and duties to other employees

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Nil

Delegation

Reference	4.2
Subject	Administer Local Laws

Delegated by

Council

Delegates

CEO

Subdelegates

N/A

Power or Duty

The Chief Executive Officer is delegated the authority to appoint certain persons to administer the Shire of East Pilbara's local laws and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the local government under the *Local Government Act 1995*.

Conditions

The local government is to issue to each person so authorised a certificate stating that the person is so authorised, and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person (s9.10(2) *Local Government Act 1995*).

A register of Authorised Persons, appointed to administer local laws, is to be maintained.

Statutory Framework

Local Government Act 1995

s3.18 (1) A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Date	Amendment	References
29 June 2018	Under conditions add the following: A register of Authorised Persons, appointed to administer local laws, is to be maintained.	Nil

Delegation

Reference	4.3
Subject	Certain Provisions About Land

Delegated by

Council

Delegates

CEO

Subdelegates

Deputy CEO

Director Technical & Development Services

Power or Duty

The Chief Executive Officer is delegated the power to appoint any person to exercise on behalf of the Council, the powers given to it in Subdivision 2, of Division 3 of Part 3 of the Act.

Conditions

Nil

Statutory Framework

Local Government Act 1995

s3.24 The powers given to a local government by this Subdivision can only be exercised on behalf of the local government by a person expressly authorised by it to exercise those powers.

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Nil

Delegation

Reference	4.4
Subject	Community Assistance Grants and Quick Grants

Delegated by

Council

Delegates

CEO

Subdelegates

N/A

Power or Duty

The Chief Executive Officer is delegated the authority to approve Community Assistance Grants for cash or in-kind contributions of up to \$1000.

The Chief Executive Officer is delegated the authority to approve Quick Grants for in-kind contributions of up to \$500.

Conditions

Applicants must complete the Grant 2 - Community Assistance Grants Application Form - for requests up to \$1000. The application is to be assessed by the relevant Director or Manager before being authorised by the Chief Executive Officer.

Applicants must complete the Grant 1 - Quick Grants Application Form - for requests under \$500. The application is to be assessed by the relevant Director or Manager before being authorised by the Chief Executive Officer.

Approvals must be in accordance with budget allocations.

Statutory Framework

Local Government (Financial Management) Regulations 1996

r12(1) A payment may only be made from the municipal fund or the trust fund —

(a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO.

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Date	Amendment	References
29 June 2018	Increase the level of authority to approve Quick Grants from \$300 to \$500 - in line with current processes. Remove the condition that only one grant may be approved per group, per annum - in line with current processes.	Nil

Delegation

Reference	4.5
Subject	Disposing of Property

Delegated by

Council

Delegates

CEO

Subdelegates

Deputy CEO

Director Technical & Development Services

Power or Duty

The Chief Executive Officer is delegated the authority to dispose of property:

(a) to the highest bidder at public auction [s.3.58(2)(a)].

(b) to the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tender [s.3.58(2)(b)].

The Chief Executive Officer is delegated authority to dispose of property by private treaty only in accordance with section 3.58(3) of the *Local Government Act 1995*, and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].

Conditions

Conditions and exceptions of Chief Executive Officer:

- Limit to \$5,000 for the disposition of land in accordance with Reg 30(2)(a) and (c) of the *Local Government (Functions and General) Regulations 1996*.
- Limit to \$20,000 for the disposition of property, other than land, in accordance with Reg 30(3) of the *Local Government (Functions and General) Regulations 1996*.

Deputy Chief Executive Officer and Director Technical & Development Services are each limited to \$2,000.

Statutory Framework

Local Government Act 1995

s3.58: Disposing of property

Local Government (Functions and General) Regulations 1996.

r 30: Dispositions of property excluded from Act s. 3.58

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Nil

Delegation

Reference	4.6
Subject	Execution of Documents

Delegated by

Council

Delegates

Deputy CEO
 CEO
 Shire President
 Manager Martumili

Subdelegates

N/A

Power or Duty

Authority to sign documents on behalf of the local government.

Conditions

The Chief Executive Officer or Deputy Chief Executive Officer may only sign documents where:

- The Council has authorised entering into a formal contract; or
- The Chief Executive Officer or Deputy Chief Executive Officer considers a formal contract is required as a part of the day to day operation of the Council; or
- A formal contract is authorised under a delegated authority of the Council.

The Manager Martumili may only sign the following Martumili agreements that are with and on behalf of the artists:

- Consignment agreements;
- Copyright agreements;
- Artist agreements; and
- Collaborative agreements.

The Chief Executive Officer or Deputy Chief Executive Officer has no power to sub-delegate the authority to sign documents on behalf of the local government (s5.43 (ha) of the Act).

Statutory Framework

Local Government Act 1995

s9.49A(4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.

Policy

4.6 - Execution of Documents (Use of Common Seal)

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Date	Amendment	References
29 June 2018	<p>Add Manager Martumilli as a sub-delegate.</p> <p>Add the following condition for the Manager Martumilli:</p> <p>The Manager Martumilli may only sign the following Martumilli agreements that are with and on behalf of the artists:</p> <ul style="list-style-type: none"> •Consignment agreements; •Copyright agreements; •Artist agreements; and •Collaborative agreements. 	Nil

Delegation

Reference	4.7
Subject	Exemptions under clause 3.1(2) - Public Places and Local Government Property Local Law 2011

Delegated by

Council

Delegates

CEO

Subdelegates

N/A

Power or Duty

The Chief Executive Officer is delegated the authority to determine persons or groups which may be exempt, under clause 3.1(2) of the Shire of East Pilbara *Public Places and Local Government Property Local Law 2011*, from the requirement in clause 3.1(1) of that same local law to obtain a licence and pay the applicable fees.

Conditions

- Every person or group seeking an exemption under clause 3.1(2) of the *Public Places and Local Government Property Local Law 2011*, must apply in writing in a form approved by the Shire.
- Although that person or group may be exempted from paying the appropriate application fees, they will still be required to complete the appropriate forms for the application for licence.
- Exemptions will only be available to persons or groups based in the Shire of East Pilbara which positively contribute to the wellbeing of the community.
- Exemptions will not be available to State or Federal Agencies or profit organisations.

Statutory Framework

Cl 3.1(2) Shire of East Pilbara *Public Places and Local Government Property Local Law 2011*. 3.1 Activities requiring a licence.

Cl 3.1 (2) The local government may exempt a person from compliance with subclause (1) on the application of that person.

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Nil

Delegation

Reference	4.8
Subject	Issue of Notices, Cautions and Infringements

Delegated by

Council

Delegates

CEO

Subdelegates

N/A

Power or Duty

The Chief Executive Officer is delegated the authority to appoint persons or classes of persons to be authorised for the purpose of issuing notices, cautions and infringements relating to various Acts, Regulations and Local Laws.

Conditions

The local government is to issue each person so authorised a certificate stating that the person is so authorised, and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person (s9.10(2) *Local Government Act 1995*).

A register of Authorised Persons, appointed to issue notices, cautions and infringements, is to be maintained.

Statutory Framework

Local Government Act 1995

s9.10(1) The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions.

s9.16(1) (1) An authorised person who has reason to believe that a person has committed a prescribed offence against a regulation or local law made under this Act may, within 28 days after the alleged offence is believed to have been committed, give an infringement notice to the alleged offender.

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Date	Amendment	References
29 June 2018	Add condition that a register of Authorised Persons, appointed to issue notices, cautions and infringements, is to be maintained.	Nil

Delegation

Reference	4.9
Subject	Legal Matters

Delegated by

Council

Delegates

CEO

Subdelegates

N/A

Power or Duty

The Chief Executive Officer is delegated the authority to appoint an employee to represent the local government in legal proceedings either generally or in a particular case.

Conditions

The Chief Executive Officer may only appoint the following people to represent local government in legal proceedings:

- Deputy Chief Executive Officer
- Director Technical & Development Services
- Manager Development Services – Building
- Manager Development Services – Health
- Manager Development Services – Planning
- Manager Human Resources
- Manager Community Safety

An employee appointed to represent the Shire of East Pilbara in legal proceedings, must be appointed in writing signed by the CEO [s.9.29 (2)(b)].

Legal proceedings may only be initiated with prior approval from the Chief Executive Officer, Deputy Chief Executive Officer or the Director Technical and Development Services.

Subject to adequate provision existing in the budget.

Statutory Framework

Local Government Act 1995

s9.10(1) The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions.

s9.29 Representing local government in court.

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Date	Amendment	References
29 June 2018	<p>Remove requirement that the CEO has authority to obtain legal advice and opinions - this is an operational matter - delegation not required.</p> <p>Add condition that an employee appointed to represent the Shire in legal proceedings must be appointed in writing signed by the CEO [s9.29(2)(b)].</p>	Nil

Delegation

Reference	4.10
Subject	Expressions of Interest for Goods & Services

Delegated by

Council

Delegates

CEO

Subdelegates

Deputy CEO

Director Technical & Development Services

Power or Duty

The Chief Executive Officer is delegated the authority to seek expressions of interest for the supply of goods or services and to choose acceptable tenderers.

Conditions

Authority to reject or accept expressions of interest to be acceptable tenderers is limited by regulation 23 of the *Local Government (Functions and General) Regulations 1996*.

Statutory Framework

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

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Date	Amendment	References
29 June 2018	Change of title from 'Limitation may be placed on who can tender' to 'Expressions of Interest for Goods & Services.' to align with wording in the Act.	Nil

Delegation

Reference	4.11
Subject	Authority to invite tenders

Delegated by

Council

Delegates

CEO

Subdelegates

N/A

Power or Duty

The Chief Executive Officer is delegated the authority to invite tenders.

Conditions

Authority to authorise a tender to be called is subject to the allocation of funding in the budget.

Authority to authorise the decision to seek expressions of interest is subject to regulation 21(1) of the *Local Government (Functions and General) Regulations 1996*.

r21 (1) If a local government thinks that there is good reason to make a preliminary selection from amongst prospective tenderers; it may seek expressions of interest with respect to the supply of the goods or services.

Written authorisation should be prepared for the CEO's consideration. The officer seeking the tender to be called, or expression of interest, shall provide supporting information for the tender or expression of interest.

Statutory Framework

Local Government Act 1995

s3.57 (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.

s3.57 (2) Regulations may make provision about tenders.

Local Government (Functions and General) Regulations 1996

r 17(2) The tenders register is to include, for each invitation to tender —
 (b) particulars of the making of —
 (i) the decision to invite tenders; and
 (ii) if applicable, the decision to seek expressions of interest under regulation 21(1);

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Date	Amendment	References
29 June 2018	Change of title from 'Making of the decision to invite tenders' to 'Authority to invite tenders' to align with wording in the Act.	Nil

Delegation

Reference	4.12
Subject	Payments to employees in addition to contract or award

Delegated by

Council

Delegates

CEO

Subdelegates

N/A

Power or Duty

The Chief Executive Officer is delegated the authority to make a payment to an employee whose employment with the local government is finishing, and that is more than the additional amount set out in the policy prepared under section 5.50(1) of the *Local Government Act 1995* and adopted by the local government.

Authority to vary salaries payable to all staff that are not employed on performance based term contracts. The alteration may be within the employee's assigned band/classification, may involve a change of salary band/classification or may involve an appropriate over award payment.

Conditions

Where a payment is made to an employee whose employment is finishing, and is more than set out in Council's Gratuity Policy, the CEO must cause local public notice to be given in relation to the payment made [s.5.50(2)].

- Where it is proposed to vary the salary of an employee, not subject to a performance based term contract, any variation must be as a result of a satisfactory performance appraisal and appropriate funding must be available within the budget.
- Any salary change that is likely to result in expenditure over budget will require Council authorisation.
- Regard must also be made for Council's Gratuity Policy.

Statutory Framework

Local Government Act 1995

s5.50(2) (2) A local government may make a payment —

- (a) to an employee whose employment with the local government is finishing; and
- (b) that is more than the additional amount set out in the policy prepared under subsection (1) and adopted by the local government but local public notice is to be given in relation to the payment made, but local public notice is to be given in relation to the payment made.

Policy

Gratuity Policy

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Date	Amendment	References
29 June 2018	Add condition - where a payment is made to an employee whose employment is finishing, and is more than set out in Council's Gratuity Policy, the CEO must cause local public notice to be given in relation to the payment made [s5.50(2)].	Nil

C. CORPORATE AND COMMUNITY SERVICES

Delegation

Reference	5.2
Subject	Authority to waive fees

Delegated by

Council

Delegates

CEO

Subdelegates

Deputy CEO
Director Technical & Development Services

Power or Duty

1. Authority to waive a fee or grant a concession in relation to any amount of money which is owed to the Shire of East Pilbara.
2. Authority to grant an extension of time to pay in relation to any amount of money which is owed to the Shire of East Pilbara.

Conditions

1. The authority to waive a fee or grant a concession is limited to the amount of \$5,000.
2. The authority to waive a fee or grant a concession does not apply to an amount of money owing in respect of rates and service charges [s.6.12(2)].
3. Any agreement to extend time to pay shall be made in writing.

Statutory Framework

Local Government Act 1995

s6.12. Power to defer, grant discounts, waive or write off debts

(1) Subject to subsection (2) and any other written law, a local government may —

- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
- (b) waive or grant concessions in relation to any amount of money; or
- (c) write off any amount of money,

* *Absolute majority required.*

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Date	Amendment	References
29 June 2018	<p>Add delegation as follows:</p> <p>2. Authority to grant an extension of time to pay in relation to any amount of money which is owed to the Shire of East Pilbara.</p> <p>Add condition as follows:</p> <p>Any agreement to extend time to pay must be made in writing.</p>	Nil

Delegation

Reference	5.3
Subject	Authority to write off monies

Delegated by

Council

Delegates

CEO

Subdelegates

N/A

Power or Duty

1. Authority to write off any amount of money which is owed to the Shire of East Pilbara.

Conditions

- The debt must not exceed \$1000 for an individual;
- All necessary measures have been taken to recover the money;
- The debt has remained outstanding for not less than 90 days.

Statutory Framework

Local Government Act 1995

s6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
 (c) write off any amount of money,

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Date	Amendment	References
29 June 2018	Under conditions remove 'The maximum rates write off is \$500' - under section 6.12(2) of the LGA the power to write off monies does not apply to an amount of money owing in respect of rates or service charges.	Nil

Delegation

Reference	5.4
Subject	Extension of payment time, waiver or reduction of penalties, withdrawal of infringement notices

Delegated by

Council

Delegates

CEO

Subdelegates

Deputy CEO

Director Technical & Development Services

Power or Duty

Authority to grant extensions of time to pay, waive or reduce penalties and withdraw infringement notices related to local laws.

Conditions

1. Any agreement to extend the time to pay, waive or reduce penalties shall be made in writing.
2. Authority to waive or reduce penalties is limited to \$5,000.
3. If a Director/Deputy Chief Executive Officer makes a decision NOT to withdraw an infringement, and an objection is received as a result of that decision being made, the matter shall be referred to the Chief Executive Officer for determination.
4. The local government is to issue each Authorised Person a certificate stating that the person is an authorised person for the purposes of granting an extension of time to pay, waive or reduce penalties and withdraw infringement notices related to local laws.

Statutory Framework

Local Government Act 1995

s6.12(1)(b) Subject to subsection (2) and any other written law, a local government may — waive or grant concessions in relation to any amount of money;

s6.12(3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.

s9.10 Appointment of authorised persons

s9.11 Persons found committing breach of Act to give name on demand

Policy

Nil.

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Date	Amendment	References
29 June 2018	<p data-bbox="392 282 703 318">Added the following conditions:</p> <ol data-bbox="392 338 1182 607" style="list-style-type: none"><li data-bbox="392 338 1182 405">1. Any agreement to extend the time to pay, waive or reduce penalties shall be made in writing.<li data-bbox="392 427 991 463">2. Authority to waive or reduce penalties is limited to \$5,000.<li data-bbox="392 486 1182 607">3. If a Director/Deputy Chief Executive Officer makes a decision NOT to withdraw an infringement, and an objection is received as a result of that decision being made, the matter shall be referred to the Chief Executive Officer for determination.	Nil

Delegation

Reference	5.5
Subject	Grants and subsidies - Application and acceptance

Delegated by

Council

Delegates

CEO

Subdelegates

Deputy CEO

Director Technical & Development Services

Power or Duty

The Chief Executive Officer is delegated the authority to apply for grants and subsidies.

The Chief Executive Officer is delegated the authority to accept grants and subsidies.

Conditions

All applications must be in accordance with the Council's strategic objectives.

Council approval is required prior to acceptance unless the grant or subsidy is included in the budget.

The impact on subsequent budgets must be considered prior to the acceptance of the grant or subsidy.

Statutory Framework

Local Government Act 1995

s6.15 (1) A local government may receive revenue or income from various sources authorised by the act or another written law or from dealings in property or grants or gifts.

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Nil

Delegation

Reference	5.7
Subject	Payment of accounts

Delegated by

Council

Delegates

CEO

Subdelegates

Deputy CEO

Manager Corporate Services

Coordinator Financial Services

Power or Duty

1. Authority to make payments from the municipal fund and the trust fund within budget limits.
2. Authority to develop procedures for the authorisation of and the payment of accounts.
3. Authority to develop procedures for the approval of accounts.

Conditions

1. Each payment is to be noted on a list compiled for each month, which is to be presented to the next Ordinary Meeting of Council, showing:
 - The payee's name;
 - The amount of the payment;
 - The date of the payment; and
 - Sufficient information to identify the transaction.
2. Ensure that there is effective security for, and properly authorised use of cheques, credit cards, computer encryption devices and passwords, petty cash systems, purchasing cards and any other devices or methods by which goods, services or money or other benefits may be obtained.
3. Ensure that before payment of an account, a determination is made that:
 - The relevant debt was incurred by a person who was properly authorised to do so;
 - The goods or services to which each account relates were provided in a satisfactory condition or to a satisfactory standard, as the case requires.

Statutory Framework

Local Government (Financial Management) Regulations 1996

r.11 Payments, procedures for making etc.

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Nil

Delegation

Reference	5.8
Subject	Power to invest

Delegated by

Council

Delegates

CEO

Subdelegates

Deputy CEO

Manager Corporate Services

Power or Duty

The Chief Executive Officer is delegated the authority to invest any monies held in the trust fund or the municipal fund that is not, for the time being, required by the local government for any other purpose, may be invested in accordance with Part III of the *Trustees Act 1962*, in association with Council's Policy.

The Chief Executive Officer is delegated the authority to establish and document internal control procedures to be followed by employees to ensure control over assets.

Conditions

All investment decisions and withdrawals shall be jointly signed by the Chief Executive Officer and the Deputy Chief Executive Officer.

Investment decisions for sums greater than \$15 million are to be made by Council. Control procedures are to enable the identification of:

- The nature and location of all investments; and
- The transactions related to each investment.

Statutory Framework

Local Government Act 1995

s6.14(1) Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the *Trustees Act 1962* Part III.

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Date	Amendment	References
29 June 2018	Increase level of investment authority from \$5 million to \$15 million. Sums over \$15 million must be approved by Council.	Nil

Delegation

Reference	5.9
Subject	Rate record

Delegated by

Council

Delegates

CEO

Subdelegates

Deputy CEO

Manager Corporate Services

Power or Duty

Authority to:

1. Compile the necessary rate records as specified in the *Local Government Act 1995* ("the Act") and reassess rates payable;
2. Serve rates notices in accordance with the Act [s.6.41];
3. Enter into agreements in accordance with the Act for payment of rates and service charges [s.6.49];
4. Determine the date that a rate or service charge becomes due and payable under the Act [s.6.50];
5. Recover rates and service charges in accordance with the Act [s.6.56(1)];
6. Lodge caveats on land where the rates are in arrears and it is considered that the interests of the Council should be protected and the subsequent withdrawal of caveats once arrears of rates have been settled [s.6.64(3)];
7. Exercise discretion in regard to granting of any extension of time for service of objection to the rate book [s.6.76(4)];
8. Allow or disallow any objection to the rate record lodged and to serve notice of the decision and a statement of reasons for the decision upon the person lodging the objection [s.6.76(5)];
9. Extend the period for receipt of a notice and to refer notices received to the land valuation tribunal;
10. Amend the rate record for the current financial year to ensure that the information contained in the record is current and correct and that the record is in accordance with the *Local Government Act 1995* and issue an interim rate assessment, refund or credit as a result of such an amendment [s.6.39(1)]; and
11. Authority to amend the rate record for the five years preceding the current financial year [s.6.39(2)(b)].

Conditions

1. Delegates must comply with the requirements of s.6.40 of the Act;
2. Any agreement for the payment of rates or service charges must be made in writing, and must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied.
3. A delegate who has participated in any matter contributing to a decision relating to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination to grant an extension of time or to allow or disallow any objection to the rate record.

Statutory Framework

Local Government Act 1995

Division 6 Rates and service charges

ss6.39 (1), 6.39(2), 6.41, 6.49, 6.50(1), 6.50(2), 6.56(1), 6.60(2), 6.60(3), 6.60(4), 6.64(3), 6.76(1), 6.76(4), 6.76(5), 6.76(6) and 6.69(3)

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Date	Amendment	References
29 June 2018	<p>Combine delegations 5.1 - Agreement as to payment of rates and service charges - and 5.10 - Rates or service charges recoverable in court.</p> <p>Add the following conditions:</p> <p>Delegates must comply with the requirements of s.6.40 of the Act; Any agreement for the payment of rates or service charges must be made in writing, and must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied. A delegate who has participated in any matter contributing to a decision relating to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination to grant an extension of time or to allow or disallow any objection to the rate record.</p>	Nil

Delegation

Reference	5.11
Subject	Recovery of impounding expenses

Delegated by

Council

Delegates

CEO

Subdelegates

Deputy CEO

Manager Development Services - Health

Manager Community Safety

Coordinator Ranger & Emergency Services

Director Technical & Development Services

Power or Duty

1. Authority to recover expenses incurred for removing, impounding and disposing of confiscated or uncollected goods [s.3.48].

Conditions

Nil

Statutory Framework

Local Government Act 1995

s3.48 If goods are removed and impounded under section 3.39 and the alleged offender is convicted, the local government may, by action in a court of competent jurisdiction, recover from the alleged offender

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Date	Amendment	References
29 June 2018	Added Director Technical & Development Services as subdelegate.	Nil

D. DEVELOPMENT SERVICES

Delegation

Reference	6.1
Subject	Building Act 2011 - Building and demolition permits

Delegated by

Council

Delegates

CEO

Subdelegates

Director Technical & Development Services
 Manager Development Services - Building
 Manager Development Services - Planning

Power or Duty

The Chief Executive Officer is delegated the power to perform the following functions:

1. Refer an uncertified application to a building surveyor [in circumstances set out in s.17(1)].
2. Require the applicant to provide any document or information that it requires to determine the application and to verify the information by statutory declaration [s.18(1)].
3. Refuse to consider an application [s.18(2)].
4. Grant a building permit [ss.20 and 23].
5. Refuse to grant a building permit [ss.20 and 23, including in the circumstances in ss.22(1) and (2)].
6. Grant a demolition permit [ss.21 and 23].
7. Refuse to grant a demolition permit [ss.21 and 23, including in the circumstances in ss.22(1) and (2)].
8. Refund the fee that accompanied an application to the applicant if no decision is made within the time mentioned in ss.23(1) and (2) [s.23(4)].
9. Record the grounds on which a decision to refuse to grant a building permit or demolition permit is based on and the reasons for the decision and give to the person to whom the decision relates written notice of the decision together with those grounds and reasons and the person's right of review [s.24].
10. Impose conditions on the grant of a permit in addition to any provided for in the Regulations, including specifying the way in which an outward facing side of a particular close wall must be finished [ss.27(1) and 88(3)].
11. Add, vary or revoke conditions imposed on a permit before the building work or demolition work is completed [s.27(3)].
12. Refuse to accept an application to extend the time during which a permit has effect made after the expiry day for the permit [r.23(3)].
13. Extend the time during which a permit has effect and impose conditions on the extended permits [s.32, rr.24(1) and (2)].
14. Refuse to extend the time during which a permit has effect [r.24(1)].
15. Approve a new person to be named as the builder on the building permit and amend the details set out in the permit accordingly [r.26(3) and (4)].
16. Approve a new person to be named as the demolition contractor on the demolition permit and amend the details set out in the permit accordingly [r.26(3) and (4)].

Conditions

Authority to delegate is limited by s127 *Building Act 2011*.

s127 (6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section but in the case of such a power or duty —

- (a) the CEO's power under this subsection to delegate the exercise of that power or the discharge of that duty; and
- (b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions, qualifications, limitations or exceptions imposed by the local government on its delegation to the CEO.

Records of determinations made under delegation to be kept on appropriate file or register.

Statutory Framework

Building Act 2011

s18 (1) A permit authority to which an application is made may require the applicant to give the permit authority, within a specified time of not more than 21 days, any document or information that it requires to determine the application and may require the applicant to verify the information by statutory declaration.

s20 (1) (a) A permit authority to which a certified application or an uncertified application is made must grant the building permit if it is satisfied — that the applicant has complied with section 16;

s21 (1) (a) The permit authority to which an application for a demolition permit is made must grant the demolition permit if it is satisfied — that the applicant has complied with section 16;

s27(1) A permit authority may impose conditions on the grant of a building permit or demolition permit in addition to any provided for in the regulations.

s127 (1) A special permit authority or a local government may delegate any of its powers or duties as a permit authority under another provision of this Act.

Building Regulations 2012

r23 Application to extend time during which permit has effect (s. 32)

r24 Extension of time during which permit has effect (s. 32(3))

r26 Approval of new responsible person (s. 35(c))

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Nil

Delegation

Reference	6.2
Subject	Building Act 2011 - Building information

Delegated by

Council

Delegates

CEO

Subdelegates

Director Technical & Development Services
 Manager Development Services - Building
 Manager Development Services - Planning
 Technical & Development Services Administration Officer

Power or Duty

The Chief Executive Officer is delegated the power to perform the following functions:

1. Keep a register of all building permits, demolition permits, occupancy permits and building approval certificates granted by it, and all building orders made by it, in an approved manner and form [s.128(1), (2)].
2. Amend the register to reflect the variation or revocation of a condition of, or any other change reflecting to that effect of, a building permit, a demolition permit, an occupancy permit, a building approval certificate or a building order resulting from a decision of the permit authority or information given to the permit authority [s.128(3)].
3. Make the register available for inspection by members of the public during normal office hours [s.129(1)].
4. On application by any person and on payment of the prescribed fee, if any, provide to the person a copy of a building permit, a demolition permit, an occupancy permit, a building approval certificate or a building order that is kept in the register [s.129(2)].
5. Keep in the manner and for the prescribed period such of the prescribed documents that comprise, accompany, are provided for in, are issued as a result of, or otherwise relate to the building or incidental structure that is the subject of -
 - a. An application for a building permit or demolition permit, or
 - b. An application of a kind mentioned in Part 4 Division 2; or
 - c. An inspection of a prescribed kind [s.130].
6. Allow an interested person to inspect a building record and provide to the interested person a copy of the building record [s.131(2)].
7. Give the Building Commissioner prescribed information for inclusion in the annual report submitted under the Financial Management Act 2006 Part 5 by the accountable authority [s.132(1)] and provide a record or information requested by the Building Commissioner [s.132(3), r.14].

Conditions

Authority to delegate is limited by s127 *Building Act 2011*.

Records of determinations made under delegation to be kept on appropriate file or register.

Statutory Framework

Building Act 2011

s110 Building orders

s 117 Revocation of building order

s 118 Permit authority may give effect to building order if non-compliance

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Nil

Delegation

Reference	6.3
Subject	Building Act 2011 - Building orders

Delegated by

Council

Delegates

CEO

Subdelegates

Director Technical & Development Services
 Manager Development Services - Building
 Manager Development Services - Planning

Power or Duty

The Chief Executive Officer is delegated the power to perform the following functions:

1. Make an order in respect of one or more of the following –
 - a. Particular building work;
 - b. Particular demolition work;
 - c. A particular building or incidental structure, whether completed before or after commencement day [s.110(1)].
2. Specify the way in which an outward facing side of a particular close wall must be finished [s.88(3)].
3. Before making a building order, give each person to whom the order is proposed to be directed written notice of the terms of the proposed order and reasons for it and advise each person of time in which they may make submissions and consider each submission received [s.111(1)].
4. Serve a copy of the order on each person to whom the order is directed in accordance with s.76 of the Interpretation Act 1994 [s.1114(1)].
5. Revoke a building order at any time [s.117(1)].
6. Decide whether the building order has been fully complied with and either revoke the building order or inform each person to whom the order is directed that the building order remains in effect, within 28 days of receiving a notification under s.112(3)(c) [s.117(2)].
7. Cause an authorised person to –
 - a. Take any action specified in the order; or
 - b. To 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 in the circumstances to cause the action to cease [s.118(2)].
8. Recover as a debt from a person who has been served with a copy of a building order the reasonable costs and expenses incurred in doing anything under s.118(2) [s.118(3)].

Conditions

Authority to delegate is limited by s127 *Building Act 2011*.

Records of determinations made under delegation to be kept on appropriate file or register.

Statutory Framework

Building Act 2011

s110 Building orders

s117 Revocation of building order

s118 Permit authority may give effect to building order if non-compliance

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Nil

Delegation

Reference	6.4
Subject	Building Act 2011 - Enforcement - Authorised persons

Delegated by

Council

Delegates

CEO

Subdelegates

Director Technical & Development Services
 Manager Development Services - Building
 Manager Development Services - Planning

Power or Duty

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

1. Designate a person employed by the local government. According to s.96 (3) of the Building Act., a local government may, by instrument in writing, designate a person employed by the local government under the Local Government Act 1995 section 5.36, as an authorised person for the purposes of this Act in relation to buildings and incidental structures located, or proposed to be located, in the district of the local government.
2. Revoke a designation at any time [s.96(6)].
3. Limit the powers of an authorised person by imposing conditions on a person's instrument of designation or by written notice and at any time revoke or vary such condition or notice [s.99(2)(3)].
4. Give an identity card to each person designated by it as an authorised person [s.97]
5. Cause an authorised person to –
 - a. Take any action specified in the order; or
 - b. To 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 in the circumstances to cause the action to cease [s.118(2)].
6. Recover as a debt from a person who has been served with a copy of a building order the reasonable costs and expenses incurred in doing anything under s.118(2) [s.118(3)].

Conditions

Authority to delegate is limited by s127 *Building Act 2011*.

Records of determinations made under delegation to be kept on appropriate file or register.

Statutory Framework

Building Act 2011

s96 Authorised Persons

s99 Limitation on powers of authorised person

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Nil

Delegation

Reference	6.5
Subject	Building Act 2011 - Infringement notices

Delegated by

Council

Delegates

CEO

Subdelegates

Director Technical & Development Services
 Manager Development Services - Building
 Manager Development Services - Planning

Power or Duty

The Chief Executive Officer is delegated the power to appoint certain persons as Authorised Officers to issue infringement notices and/or extend the period for payment of, or the withdrawal of infringement notices, under the *Building Act 2011* and *Building Regulations 2012*.

Conditions

Authorised persons to issue infringement notices

- Director Technical & Development Services
- Manager Development Services – Building
- Manager Development Services – Planning

Withdrawal of infringement notices

Only the Chief Executive Officer may withdraw infringement notices. Authority to delegate is limited by s127 *Building Act 2011*.

Records of determinations made under delegation to be kept on appropriate file or register.

Statutory Framework

Building Regulations 2012

Regulation 70 (2) *Building Regulations 2012* – a permit authority that is a local government may, in writing, appoint to be an authorised officer for the purposes of the *Criminal Procedure Act 2004* section 6(b) a person appointed under the *Local Government Act 1995* section 9.10(1) and authorised for the purpose of performing functions under section 9.16 of that Act.

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Nil

Delegation

Reference	6.6
Subject	Building Act 2011 - Occupancy permits and building approval certificates

Delegated by

Council

Delegates

CEO

Subdelegates

Director Technical & Development Services
 Manager Development Services - Building
 Manager Development Services - Planning

Power or Duty

The Chief Executive Officer is delegated the power to perform the following functions:

1. Requires the applicant of an occupancy permit or building approval certificate to provide any document or information that it requires to determine the application and to verify the information by statutory declaration [s.55(1)].
2. Refuse to consider an application [s.55(2)].
3. Grant or modify the occupancy permit or grant the building approval certificate [ss.58(1) and 59].
4. Refuse to grant or modify the occupancy permit or grant the building approval certificate [including in the circumstances set out in ss.58 (2) and (3)].
5. Record the grounds on which a decision to refuse to grant or modify an occupancy permit or grant a building approval certificate is based, and the reasons for the decision and give to the person to whom the decision relates written notice of the decision together with those grounds and reasons and the person's right to review [s.60].
6. Impose conditions on the occupancy permit or modification or building approval certificate in addition to any provided for in the Regulations [s.62(1)].
7. Add, vary or revoke conditions while the occupancy permit or building approval certificate has effect [s.62(3)].
8. Give written notice of the addition, variation or revocation of a condition and ensure that the notice informs the person of the person's right of review [s.62(4) and (5)].
9. Extend the period in which the occupancy permit or modification or the building approval certificate has effect [s.65(4)].
10. Refuse to extend the time during which an occupancy permit or a building approval certificate has effect or extend the permit or certificate for shorter period than requested by the applicant and, if so, record the grounds on which a decision is based and the reasons for the decision, and give written notice of the decision together with those grounds and reasons, and the person's right of review [s.65, r.40 (5)]
11. Refuse to accept an application to extend the time during which an occupancy permit or a building approval certificate has effect [r.40 (2)].

Conditions

Authority to delegate is limited by s127 *Building Act 2011*.

Records of determinations made under delegation to be kept on appropriate file or register.

Statutory Framework

Building Act 2011

s55 Further information
 s58 Grant of occupancy permit, building approval certificate
 s62 Conditions imposed by permit authority
 s65 Extension of period of duration

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Nil

Delegation

Reference	6.7
Subject	Building Act 2011 - Private swimming pools

Delegated by

Council

Delegates

CEO

Subdelegates

Director Technical & Development Services
 Manager Development Services - Building

Power or Duty

The Chief Executive Officer is delegated the power to:

1. Approve alternative requirements to r.50(4)(b) if satisfied that the alternative requirements will restrict access by young children to the swimming pool as effectively as if there were compliance with Australian Standard AS 1926.1 [r.51(2)].
2. Approve a door for the purposes of r.50(4)(c)(ii) if the door is in accordance with the requirements of Australian Standard AS 1926.1 and the conditions in r.51(3) are satisfied [r.51(3)].
3. Arrange for an authorised person to inspect the enclosures of private swimming pools in the district at intervals of no more than 4 years for the purpose of monitoring whether the provisions in rr.50 and 52 the Regulations are complied with [rr.50, 52 and 53(1)].

Conditions

Authority to delegate is limited by s127 *Building Act 2011*.

Records of determinations made under delegation to be kept on appropriate file or register.

Statutory Framework

Building Regulations 2012

r51 Approvals by permit authority and

r53 Inspection of barrier to private swimming pool

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Nil

Delegation

Reference	6.8
Subject	Building Act 2011 - Smoke Alarms

Delegated by

Council

Delegates

CEO

Subdelegates

Director Technical & Development Services
 Manager Development Services - Building

Power or Duty

The Chief Executive Officer is delegated the authority to approve the use, in a dwelling or in part of the dwelling, of a battery powered smoke alarm and to give approval in relation to an alarm that was installed before the approval is to be given [r.60(1) and (2)].

Conditions

Authority to delegate is limited by s127 *Building Act 2011*.

Records of determinations made under delegation to be kept on appropriate file or register.

Statutory Framework

Building Regulations 2012

r61 Local government approval of battery powered smoke alarms

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Nil

Delegation

Reference	6.9
Subject	Building permit fees - refunds and exemptions

Delegated by

Council

Delegates

CEO

Subdelegates

Director Technical & Development Services
 Manager Development Services - Building
 Manager Development Services - Planning

Power or Duty

- The Chief Executive Officer is delegated the authority to determine applications for the refund of building permit fees where a building project is abandoned after issue of the permit.
- The Chief Executive Officer is delegated the authority to determine any applications from sporting, charitable or community organisations for exemption from payment of any building permit fees.

Conditions

Any refund shall not exceed 50% of the fee paid and no refund is to be made when the project is abandoned after the expiry of 12 months from the date of issue of the permit.

Refund provisions only relate to that part of the fee retained by Council and not to any other part collected on behalf of a State Government agency including the Builder's Registration Board levy that commenced on 1 August 2001.

Statutory Framework

Local Government Act 1995

s6.12(1) Subject to subsection (2) and any other written law, a local government may_ (b), waive or grant concessions in relation to any amount of money or

6.12(1)(c) write off any amount of money

6.12(3) The grant of a concession under subsection (1)(b) maybe subject to any conditions determined by the local government

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Nil

Delegation

Reference	6.10
Subject	Development and performance bonds

Delegated by

Council

Delegates

CEO

Subdelegates

Director Technical & Development Services
 Manager Development Services - Planning

Power or Duty

The Chief Executive Officer is delegated the authority to administer the requirement for development or performance bonds as conditions of planning approval and/or subdivision approval to ensure compliance with any landscaping, car parking or other conditions of approval.

Conditions

Nil

Statutory Framework

Local Government Act 1995

s3.18(1) A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Nil

Delegation

Reference	6.11
Subject	Administration of Town Planning Scheme No. 4

Delegated by

Council

Delegates

CEO

Subdelegates

Manager Development Services - Building
 Manager Development Services - Planning

Power or Duty

For the purposes of this Delegation, the following definitions apply:

Deemed Provisions means the Deemed Provisions for Local Planning Schemes contained in Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, as amended from time to time.

R-Codes means State Planning Policy 3.1 Residential Design Codes, as amended from time-to-time.

Scheme means Shire of East Pilbara Town Planning Scheme No.4, as amended from time-to-time.

The Chief Executive Officer is delegated the authority to exercise the following powers or the discharge of the following duties under the Scheme:

1. Assess an application for a structure plan under clause 17 of the Deemed Provisions;
2. Advertise a proposed structure plan under clause 18 of the Deemed Provisions;
3. Assess an application for an activity centre plan under clause 33 of the Deemed Provisions;
4. Advertise a proposed activity centre plan under clause 34 of the Deemed Provisions;
5. Provide further services or information to the Western Australian Planning Commission as required under clauses 23 and 39 of the Deemed Provisions;
6. Assess an application for a local development plan under clause 49 of the Deemed Provisions;
7. Advertise a proposed local development plan under clause 50 of the Deemed Provisions;
8. Waive the fee payable for an application for development approval where the applicant and/or owner (as appropriate) is a registered not-for-profit organisation and the purpose of the development is for the benefit of the general community;
9. Refuse to accept for the purposes of assessment any application for development approval that has not complied with the form of application and/or accompanying material requirements of clauses 62 and 63 of the Deemed Provisions;
10. Determine the breadth and scope of accompanying material required for each application for development approval under clause 63 of the Deemed Provisions;
11. Determine the method and extent of advertising required under clause 64 of the Deemed Provisions for each application for development approval;
12. Assess and determine applications for development approval under Part 9 of the Deemed Provisions;
13. Amend or cancel a development approval under clause 77 of the Deemed Provisions, including extensions of time and renewal of periodic approvals;
14. Require the owner of an advertisement to repair an advertisement under clause 80 of the Deemed Provisions;
15. Refuse to accept an application for development approval under clause 85 of the Deemed Provisions where there is no agreement in place for the local government to use any copyrighted material provided in support of the application;
16. Determine the appropriate use class to be applied to each application for development approval under clause 4.3 of the Scheme;
17. Determine under clause 4.4.2(a) of the Scheme, that a use not specifically mentioned in the Zoning Table is consistent with the objectives of the particular zone in which the use is proposed and is therefore permitted;
18. Determine under clause 4.4.2(b) of the Scheme, that a use not specifically mentioned in the Zoning Table may be consistent with the objectives of the particular zone in which the use is proposed and thereafter follow the advertising procedures of clause 64 of the Deemed Provisions;
19. Approve extensions and changes to a non-conforming use under clause 4.9 of the Scheme;
20. Determine under clause 4.10 of the Scheme that a non-conforming use has been discontinued for a period of 6 months;
21. Determine under clause 4.12 of the Scheme that a building used for a non-conforming use has been destroyed by a minimum of 75%;
22. Approve variations to site and development standards and requirements under clause 5.5 of the Scheme; and

23. Determine applications under clause 5.13.2 of the Scheme for the parking of a commercial vehicle in excess of 3 tonnes combined tare weight on a residential zoned lot.

Conditions

All delegations:

i. Compliance with the Planning and Development Act 2005 and Local Government Act 1995 as these statutes relate to the carrying out of delegated authority.

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Delegations 1-7 (Structure Plans, Activity Centre Plans and Local Development Plans):

- i. The consideration of submissions relating to structure plans, activity centre plans and local development plans under clauses 19, 35 and 51 of the Deemed Provisions is to be undertaken by Council;
- ii. Local government reports to the Western Australian Planning Commission prepared under clauses 20 and 36 of the Deemed Provisions are to be endorsed by Council prior to forwarding to the Commission; and
- iii. A decision on a local development plan under clause 52 of the Deemed Provisions is to be made by Council.

-

Delegation 12 (Determination of Applications for Development Approval):

- i. Any application for development approval can be approved under delegated authority, unless:
 - It has been advertised and a submission by way of objection raising matters of a material planning nature has been received, and which cannot be satisfied by either modification of the application by agreement of the applicant, or by conditions of approval;
 - The application has not required advertising, but by its nature, has potential to be contentious; or
 - It requires significant variations to the site and development standards or requirements contained in the Scheme, R-Codes or relevant adopted Local Planning Policy;
- ii. An application for development approval can be refused under delegated authority in the following circumstances:
 - The use proposed is identified as 'X' (use not permitted) in the Zoning Table at clause 4.4 of the Scheme; or
 - An adopted local planning policy provides for refusal of an application that does not comply with the requirements therein;
- iii. The exercise of this delegation is to have due regard to any limitations on delegated authority contained in an adopted Local Planning Policy that is relevant to the application; and
- iv. All determinations under delegated authority must be subject to an assessment report that outlines the level of compliance of an application with the relevant requirements of the Scheme, Local Planning Policies and Residential Design Codes of Western Australia (as applicable) and justifies the determination made.

-

Delegations 17 and 18 (Use-Not-Listed Applications):

- i. Approval of an application for development approval under clause 4.4.2(a) of the Scheme may be granted by delegated authority.
- ii. Approval of an application for development approval under clause 4.4.2(b) of the Scheme may be granted by delegated authority where no objections raising matters of a material planning nature have been received; and
- iii. Determination that the use is not consistent with the objectives of the particular zone and the therefore not permitted shall be made by Council.

Delegation 22 (Variations to Scheme Requirements):

- i. Any variation that is considered to be a significant departure from the relevant standard or requirement, or contrary to previous decision in similar applications, shall be considered by Council.

Statutory Framework

Shire of East Pilbara Town Planning Scheme No.4

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Nil

Delegation

Reference	6.12
Subject	Food Act 2008 - Appointment of authorised persons and designated officers

Delegated by

Council

Delegates

CEO

Subdelegates

N/A

Power or Duty

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 to be a Designated Officer, for the purpose of issuing, extending time for payment or withdrawing infringement notices for offences against the *Food Act 2008* [s.126(13)].

Conditions

1. A person who is a Designated Officer for the purposes of issuing infringements, cannot be a Designated Officer for the purposes of extending time for payment or withdrawing infringements.
2. A list of authorised and designated officers must be prepared and maintained in accordance with s.122(3) of the *Food Act 2008*.
2. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.

Statutory Framework

Food Act 2008

s.118 Functions of enforcement agencies and delegation

s122 Appointment of authorised officers

s126 Issuing of Infringement notices

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Date	Amendment	References
29 June 2018	<p data-bbox="392 282 647 318">Add conditions, as below:</p> <ol data-bbox="392 338 1198 607" style="list-style-type: none"><li data-bbox="392 338 1198 439">1. A person who is a Designated Officer for the purposes of issuing infringements, cannot be a Designated Officer for the purposes of extending time for payment or withdrawing infringements.<li data-bbox="392 461 1198 528">2. A list of authorised and designated officers must be prepared and maintained in accordance with s.122(3) of the Food Act 2008.<li data-bbox="392 551 1198 607">2. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.	Nil

Delegation

Reference	6.13
Subject	Food Act 2008 - Prohibition orders

Delegated by

Council

Delegates

CEO

Subdelegates

Manager Development Services - Health

Power or Duty

1. Authority to serve a Prohibition Order on the proprietor of a food business in accordance with s65 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 Improvement Notices [s.66].
3. Authority to give written notice to the 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)].

Conditions

1. In accordance with s.118(3)(b) of the *Food Act 2008*, this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.

Statutory Framework

Food Act 2008

s.118 Functions of enforcement agencies and delegation

s65 Prohibition order

s66 Certificate of clearance to be given in certain circumstances

s67 Request for re-inspection

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Date	Amendment	References
29 June 2018	Add condition: In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.	Nil

Delegation

Reference	6.14
Subject	Food Act 2008 - Prosecutions

Delegated by

Council

Delegates

CEO

Subdelegates

Manager Development Services - Health

Power or Duty

1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in court [s.54(2)].
2. Authority to institute proceedings for an offence under the *Food Act 2008* [s.125].

Conditions

1. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.

Statutory Framework

Food Act 2008

s125 Institution of proceedings

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Date	Amendment	References
29 June 2018	<p data-bbox="392 282 655 318">Add delegation as follows:</p> <p data-bbox="392 342 1198 439">1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in court [s.54(2)].</p> <p data-bbox="392 463 639 499">Add condition as follows:</p> <p data-bbox="392 524 1198 589">1. In accordance with s.18(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</p>	Nil

Delegation

Reference	6.15
Subject	Food Act 2008 - Registration of a food business

Delegated by

Council

Delegates

CEO

Subdelegates

Manager Development Services - Health
Environmental Health Officer

Power or Duty

1. Authority to register a food business in respect of any premises for the purposes of Part 9 of the *Food Act 2008* and issue a certificate of registration.
2. Authority to consider applications, determine registration of a food business and to grant the application (with or without conditions) or refuse the registration [s.110(1) and (5)].
3. Authority to vary the conditions or cancel the registration of a food business [s.112].

Conditions

In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.

Statutory Framework

Food Act 2008

s.110 Registration of Food Business

s.112 Variation of conditions or cancellation of registration of food businesses

s.118 Functions of enforcement agencies and delegation

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Date	Amendment	References
29 June 2018	Add condition, as below: In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.	Nil

Delegation

Reference	6.16
Subject	Planning and Development Act 2005

Delegated by

Council

Delegates

CEO

Subdelegates

Director Technical & Development Services
 Manager Development Services - Building
 Manager Development Services - Planning

Power or Duty

The Chief Executive Officer is delegated the authority to object to or make recommendations in response to a plan of subdivision which, in the opinion of the Western Australian Planning Commission, may affect the functions of a local government, pursuant to Section 142 of the *Planning and Development Act 2005*. This function will include:

- The setting of standards for the satisfaction of conditions;
- Advising that conditions have been satisfied;
- The acceptance and release of performance bonds.

For the purpose of the above powers of delegation, vacant lot strata and survey strata applications shall be regarded as subdivision.

Conditions

Power is delegated to the Chief Executive Officer subject to any objection to, or recommendation on, any application for subdivision which is not consistent with adopted Council Policy being referred to Council for determination.

Statutory Framework

Local Government Act 1995

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
- (a) this Act other than those referred to in section 5.43; or
 - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

* *Absolute majority required.*

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

Planning and Development Act 2005

Part 10 Subdivision and development control

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Date	Amendment	References
29 June 2018	<p>Under Statutory Framework add: Local Government Act 1995 5.42. Delegation of some powers and duties to CEO (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under — (a) this Act other than those referred to in section 5.43; or (b) the Planning and Development Act 2005 section 214(2), (3) or (5). * Absolute majority required. (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.</p>	Nil

E. TECHNICAL SERVICES

Delegation

Reference	7.1
Subject	Bush Fires Act 1954 - Powers and duties

Delegated by
Council

Delegates
CEO

Subdelegates
N/A

Power or Duty

1. Authority to exercise the powers and duties of a local government, and to administer and enforce the provisions of the *Bush Fires Act 1954* [s.48(1)].

Conditions

1. A delegation under this section does not include the power to sub-delegate [s.48(3)].

Statutory Framework

Bush Fires Act 1954

s48 Delegation by local governments

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Nil

Delegation

Reference	7.2
Subject	Bush Fires Act 1954 - Prohibited and restricted burning times

Delegated by

Council

Delegates

Shire President
 Manager Community Safety
 Chief Bush Fire Control Officer

Subdelegates

N/A

Power or Duty

1. Authority to vary the prohibited and restricted burning times, in accordance with s.17(7) and (8) and s.18(5) of the *Bush Fires Act 1954*, regarding:

- Shortening, extending, suspending or reimposing a period of prohibited or restricted burning times; or
- Imposing a further period of prohibited burning times.

Conditions

1. Decisions under this delegation must be a decision made jointly between the delegates and must comply with the procedural requirements of s.17(7B) and (8).

Statutory Framework

Bush Fires Act 1954

s17 Prohibited burning times may be declared by Minister

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Nil

Delegation

Reference	7.3
Subject	Bush Fires Act 1954 - Prosecutions

Delegated by

Council

Delegates

CEO
 Deputy CEO
 Manager Development Services - Health
 Manager Community Safety
 Coordinator Ranger & Emergency Services
 Chief Bush Fire Control Officer

Subdelegates

N/A

Power or Duty

1. Authority to consider allegations of offences alleged to have been committed under the *Bush Fires Act 1954*, to institute and carry on proceedings in the name of the local government against any person alleged to have committed any of those offences, and to pay out of its funds any costs and expenses incurred in or about the proceedings [s.59].
2. Authority to serve an infringement notice for an offence against the *Bush Fires Act* [s.59A].

Conditions

1. Only the Chief Executive Officer or Shire President may withdraw an infringement notice (r.4(a) of the *Bush Fires (Infringements) Regulations 1978*).

Statutory Framework

Bush Fires Act 1954

s59 Prosecution of offences

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Nil

Delegation

Reference	7.4
Subject	Cat Act 2011 - Delegations

Delegated by

Council

Delegates

CEO

Subdelegates

Deputy CEO

Director Technical & Development Services

Manager Development Services - Health

Manager Community Safety

Coordinator Ranger & Emergency Services

Ranger

Environmental Health Officer

Coordinator Administration Services

Coordinator Technical & Development Services

Technical & Development Services Administration Officer

Customer Services Officer

Power or Duty

1. Authority to fulfill, carry out, undertake or enforce any power or duty of the local government under the *Cat Act 2011* and to do all other things that are necessary or convenient to be done for or in connection with performing its functions under the *Cat Act 2011*.

Conditions

Registration of Cats

The following officers are delegated authority to grant, refuse to grant or cancel cat registrations under sections 9 and 10 of the *Cat Act 2011*:

- Coordinator Administration Services
- Coordinator Technical and Development Services
- Technical & Development Services Administration Officer
- Customer Services Officers

Issue of Infringement Notices

The following officers are delegated authority to issue infringement notices under the *Cat Act 2011*:

- Manager Community Safety
- Coordinator Ranger and Emergency Services
- Rangers
- Manager Development Services - Health
- Environmental Health Officer

Extensions and Withdrawals of Infringements

The following officers are delegated authority to extend time for payment or withdraw infringements under the *Cat Act 2011*:

- Chief Executive Officer
- Deputy Chief Executive Officer
- Director Technical Development Services

Statutory Framework*Cat Act 2011*

s.44 Delegation by local government

s.45 Delegation by CEO of local government

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Date	Amendment	References
29 June 2018	Under power or duty, remove reference to local government administering local laws...we do not have a Cat Local Law.	Nil

Delegation

Reference	7.5
Subject	Disposing of confiscated or uncollected goods

Delegated by

Council

Delegates

CEO

Subdelegates

Manager Development Services - Health
 Manager Community Safety
 Coordinator Ranger & Emergency Services
 Director Technical & Development Services

Power or Duty

Authority to sell or otherwise dispose of any goods which have not been collected in accordance with a notice given, as per s3.47 *Local Government Act 1995*.

Authority to recover expense incurred for removing, impounding, and disposing of confiscated or uncollected goods [s3.48].

Conditions

Authority to dispose of goods up to the value of \$1500 only. Where the value of any tender exceeds the amount of \$1500, it is to be determined by Council.

Statutory Framework

Local Government Act 1995

s3.47 Confiscated or uncollected goods, disposal of

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Date	Amendment	References
29 June 2018	Remove reference to s3.47A sick or injured animals, disposal of. New delegation created for this.	Nil

Delegation

Reference	7.6
Subject	Entry to property

Delegated by

Council

Delegates

CEO

Subdelegates

Director Technical & Development Services
 Manager Development Services - Building
 Manager Development Services - Health

Power or Duty

1. Authority to exercise powers of entry to enter land to perform any of the local government functions under the *Local Government Act 1995*, 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].

Conditions

Delegated authority may only be used, where there is imminent or substantial risk to public safety or property.

Statutory Framework

Local Government Act 1995

s.3.28 Powers of entry, when this subdivision applies
 s.3.32 Notice of entry
 s.3.33 Entry under warrant
 s.3.34 Entry in emergency
 s.3.36 Opening fences

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Date	Amendment	References
29 June 2018	<p>Re-word delegation, as below, to allow for the proper execution of officer functions and duties: (copied WALGA template)</p> <ol style="list-style-type: none"> 1. Authority to exercise powers of entry to enter land to perform any of the local government functions under the Local Government Act 1995, 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]. <p>Also, add the following condition:</p> <p>Delegated authority may only be used, where there is imminent or substantial risk to public safety or property.</p>	Nil

Delegation

Reference	7.7
Subject	Impounded non-perishable goods

Delegated by

Council

Delegates

CEO

Subdelegates

Manager Development Services - Health
 Manager Community Safety
 Coordinator Ranger & Emergency Services
 Ranger
 Director Technical & Development Services

Power or Duty

Authority to -

(a) institute proceedings; or

(b) give a notice stating where goods may be collected from,

when any non-perishable goods have been removed and impounded under s3.39 of the *Local Government Act 1995*.

Conditions

Nil

Statutory Framework

Local Government Act 1995

s3.42 Impounded non-perishable goods

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Nil

Delegation

Reference	7.8
Subject	Notice to collect goods if not confiscated

Delegated by

Council

Delegates

CEO

Subdelegates

Manager Development Services - Health
 Manager Community Safety
 Coordinator Ranger & Emergency Services
 Ranger
 Director Technical & Development Services

Power or Duty

Authority to give notice that goods may be collected, where non-perishable goods have been removed and impounded under s.3.39 and a prosecution is instituted, if the alleged offender -

- (a) is not convicted; or
- (b) is convicted but the court does not order that the goods be confiscated.

Conditions

Nil

Statutory Framework

Local Government Act 1995

s.3.44 Notice to collect goods if not confiscated

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Nil

Delegation

Reference	7.9
Subject	Power to remove and impound goods

Delegated by

Council

Delegates

CEO

Subdelegates

Director Technical & Development Services
 Manager Community Safety
 Coordinator Ranger & Emergency Services
 Ranger

Power or Duty

Authority to remove and impound goods from a public place if the goods present a hazard to public safety or they obstruct the lawful use of any place or otherwise are involved in a contravention that can lead to impounding.

Conditions

Nil

Statutory Framework

Local Government Act 1995

s.3.39 Power to remove and impound

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Nil

Delegation

Reference	7.10
Subject	Acquisition of land

Delegated by

Council

Delegates

CEO

Subdelegates

Director Technical & Development Services

Power or Duty

1. Authority to take appropriate action to acquire any privately owned land that is required for the realignment of road reserves to accommodate the implementation of Council's annual road works program.
2. Authority to offer the landowner, as compensation, the valuation as determined by the Valuer General, plus an amount of 10%.
3. Authority to negotiate arrangements with affected landowners whereby the Council may carry out works to the value of the compensation payable.

Conditions

A local government can only take land under Part 9 of the *Land Administration Act 1997*, if it is in, or is to be regarded as being included in, its own district [s.3.55]

Statutory Framework

Local Government Act 1995

s.3.55 Acquisition of land

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Date	Amendment	References
29 June 2018	<p>Re-name delegation from 'Resumption of land' to 'Acquisition of land'.</p> <p>Add the following condition:</p> <p>A local government can only take land under Part 9 of the Land Administration Act 1997, if it is in, or is to be regarded as being included in, its own district [s.3.55]</p>	

Delegation

Reference	7.11
Subject	Road train and extra mass permits

Delegated by

Council

Delegates

Director Technical & Development Services
 Manager Technical Services - Newman
 Manager Technical Services - Rural

Subdelegates

N/A

Power or Duty

The Chief Executive Officer is delegated authority to determine any application recommending approval or refusal, with or without conditions, for referral to Main Roads WA to use road trains and for extra mass permits on any local road within the district.

Conditions

Nil

Statutory Framework

Nil

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Nil

Delegation

Reference	7.12
Subject	Temporary road closures

Delegated by

Council

Delegates

CEO

Subdelegates

Director Technical & Development Services

Power or Duty

The Chief Executive Officer is delegated authority to give the necessary notices and take all appropriate actions to temporarily close any thoroughfares for any period not exceeding 4 weeks.

Conditions

- Any proposal to close a thoroughfare for longer than 4 weeks must be referred to Council.
- The permanent closure of thoroughfares is to be referred to Council.
- Roads shall only be temporarily closed for major infrastructure works, services and land developments. However, where it is likely to have a significant adverse effect on users, public notice should be given.
- All notices and advertisements are to clearly demonstrate that Council is not committed to the closure proposal, but is simply wanting comment to assist in determining whether to proceed with the closure or not.

Statutory Framework

Local Government Act 1995

s3.50 Closing certain thoroughfares to vehicles

s3.50A Partial closure of thoroughfare for repairs or maintenance

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Nil

Delegation

Reference	7.13
Subject	Traffic regulatory and other signs

Delegated by

CEO

Delegates

Director Technical & Development Services

Subdelegates

N/A

Power or Duty

The Chief Executive Officer is delegated authority to make applications to Main Roads WA for approval to install stop and give way signs at such places as warranted and on receipt of the necessary approval to the appropriate signs erected in accordance with the approval.

Authority to arrange installation of "School Bus Stop" signs and other traffic regulatory signs as may be necessary.

Authority to erect street name signs and approved direction signs.

Conditions

Ensure that Council Policies are adhered to.

Statutory Framework

Nil

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Nil

Delegation

Reference	7.14
Subject	Graffiti Vandalism Act 2016 - Notices

Delegated by

Council

Delegates

CEO

Subdelegates

Deputy CEO

Director Technical & Development Services

Manager Community Safety

Coordinator Ranger & Emergency Services

Ranger

Power or Duty

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 removed in an acceptable manner, and 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 necessary to remove 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)].
3. Authority to deal with an objection to a notice [s.22(3)].
4. Authority, where an objection has been lodged, to:
 - (a) 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
 - (b) to give notice to the affected person, before taking the necessary actions [s.24(3)].

Conditions

Authorised persons to issue infringement notices:

The following are authorised officers to issue infringement notices excluding the withdrawal of infringement notices.

- Manager Community Safety
- Coordinator Ranger and Emergency Services
- Rangers

Authorised persons to withdraw infringement notices:

- Chief Executive Officer
- Deputy Chief Executive Officer
- Director Technical & Development Services

Certificate of Authorisation

The local government is to issue each person so authorised a certificate stating that the person is so authorised, and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person [s.9.10(2) *Local Government Act 1995*].

Statutory Framework

Graffiti Vandalism Act 2016

s16 (1) Delegation by local government

s17 (1) Delegation by CEO of local government

Local Government Act 1995

s9.10 Appointment of Authorised Persons

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
1 January 1986	XX	29 June 2018	30 June 2019

Amendments

Date	Amendment	References
29 June 2018	<p>Re-name delegation from 'Graffiti Vandalism Act 2016 - Delegations' to 'Graffiti Vandalism Act 2016 - Notices'.</p> <p>Re-word delegation, as follows, in line with WALGA template:</p> <ol style="list-style-type: none"> 1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is removed in an acceptable manner, and 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 necessary to remove 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)]. 3. Authority to deal with an objection to a notice [s.22(3)]. 4. Authority, where an objection has been lodged, to: <ol style="list-style-type: none"> (a) 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 (b) to give notice to the affected person, before taking the necessary actions [s.24(3)]. 	Nil

Delegation

Reference	7.15
Subject	Disposal of sick or injured animals

Delegated by

Council

Delegates

CEO

Subdelegates

Director Technical & Development Services
 Manager Community Safety
 Coordinator Ranger & Emergency Services
 Ranger

Power or Duty

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 [s3.47A(1)]

Conditions

Delegation only to be used where reasonable efforts have been made to identify and contact an owner.

Statutory Framework

Local Government Act 1995

s3.47A Sick or injured animals, disposal of

Policy

Nil

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
29 June 2018	New delegation - previously dealt with under delegation 7.5 - Disposal of confiscated or uncollected goods. Separated out to align with Act.	---	30 June 2019

Amendments

Nil

Delegation

Reference	7.16
Subject	Declare Vehicle is Abandoned Wreck

Delegated by

Council

Delegates

CEO

Subdelegates

Director Technical & Development Services
 Manager Community Safety
 Coordinator Ranger & Emergency Services
 Ranger

Power or Duty

Authority to declare a vehicle to be an abandoned vehicle wreck if -

- (a) after 7 days from the removal of the vehicle under s.3.40A(1) of the *Local Government Act 1995*, the owner of the vehicle has not collected it; or
- (b) after 7 days from being given notice under s3.40A(2) of the *Local Government Act 1995*, the owner of the vehicle has not collected it.

Conditions

Disposal of a declared abandoned vehicle wreck is to be undertaken in accordance with delegated authority 7.5 Disposing of confiscated or uncollected goods.

Statutory Framework

Local Government Act 1995

s.3.40A(4) Abandoned vehicle wreck may be taken.

Policy

Nil.

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
29 June 2018	New delegation not previously accounted for. Delegation required to allow officers to properly undertaken this task.	---	30 June 2019

Amendments

Nil

Delegation

Reference	7.17
Subject	Graffiti Vandalism Act 2016 - Remove Graffiti on Private Property

Delegated by

Council

Delegates

CEO

Subdelegates

Director Technical & Development Services
 Manager Community Safety
 Coordinator Ranger & Emergency Services
 Ranger

Power or Duty

1. Authority to remove graffiti, or appoint a contractor to do so, without the 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)].
2. Authority to give notice of an intended entry to the owner of occupier of land, premises or thing, specifying the purpose for which entry is required [s.28].
3. Authority to obtain a warrant to enable entry onto land, premises or thing for the purposes of the *Graffiti Vandalism Act 2016* [s.29].

Conditions

1. Authority to remove graffiti on private property is subject to exercising Powers of Entry.

Statutory Framework

Graffiti Vandalism Act 2016

s.16 Delegation by local government

s.17 Delegation by CEO of local government

Policy

Nil.

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
29 June 2018	New delegation - not previously accounted for. Copied WALGA template.	---	30 June 2019

Amendments

Nil

Delegation

Reference	7.18
Subject	Bush Fires Act 1954 - Firebreaks

Delegated by

Council

Delegates

CEO

Subdelegates

N/A

Power or Duty

1. Authority to approve format and content, and authorise the issue of the annual Shire of East Pilbara Firebreak Order.

Conditions

A delegation under this section does not include the power to subdelegate [s.48(3)].

Statutory Framework

Bush Fires Act 1954

s.33 Local government may require occupier of land to plough or clear fire-breaks

s.48 Delegation by local government

Policy

Nil.

Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
29 June 2018	New delegation added as a matter of compliance. The approval and issue of Firebreak notice is something that CEO already undertakes on an annual basis.	---	30 June 2019

Amendments

Nil

Amended, Revoked and Archived Delegations of Authority

Reference	Delegation	Date	Amendment	References
3.1	Bush Fires Act 1954 - Appointment of Bush Fire Control Officers	29 June 2018	<p>In accordance with the MOU signed between the SoEP and DFES - change the bush fire control officers as below:</p> <p>DFES Hedland Area Officer as Chief Bush Fire Control Officer Manager Community Safety as Deputy Chief Bush Fire Control Officer Coordinator Ranger & Emergency Services & Rangers as Fire Control Officers</p>	Nil
4.0	Election of Presiding Members and Deputies - Delegation	29 June 2018	Remove reference to section 5.12 - Presiding members and deputies, election of. This is a reference to Committees. Correct section to reference is s.2.11(1)(b) and s.2.15 which refers to Council.	Nil
4.2	Administer Local Laws	29 June 2018	<p>Under conditions add the following:</p> <p>A register of Authorised Persons, appointed to administer local laws, is to be maintained.</p>	Nil
4.4	Community Assistance Grants and Quick Grants	29 June 2018	<p>Increase the level of authority to approve Quick Grants from \$300 to \$500 - in line with current processes.</p> <p>Remove the condition that only one grant may be approved per group, per annum - in line with current processes.</p>	Nil
4.6	Execution of Documents	29 June 2018	<p>Add Manager Martumilli as a sub-delegate.</p> <p>Add the following condition for the Manager Martumilli:</p> <p>The Manager Martumilli may only sign the following Martumilli agreements that are with and on behalf of the artists:</p> <ul style="list-style-type: none"> •Consignment agreements; •Copyright agreements; •Artist agreements; and •Collaborative agreements. 	Nil

Reference	Delegation	Date	Amendment	References
4.8	Issue of Notices, Cautions and Infringements	29 June 2018	Add condition that a register of Authorised Persons, appointed to issue notices, cautions and infringements, is to be maintained.	Nil
4.9	Legal Matters	29 June 2018	Remove requirement that the CEO has authority to obtain legal advice and opinions - this is an operational matter - delegation not required. Add condition that an employee appointed to represent the Shire in legal proceedings must be appointed in writing signed by the CEO [s9.29(2)(b)].	Nil
5.1	Agreement as to payment of rates and service charges	29 June 2018	Remove delegation. Already accounted for in delegation 5.9 - Rate record.	Nil
5.2	Authority to waive fees	29 June 2018	Add delegation as follows: 2. Authority to grant an extension of time to pay in relation to any amount of money which is owed to the Shire of East Pilbara. Add condition as follows: Any agreement to extend time to pay must be made in writing.	Nil
5.3	Authority to write off monies	29 June 2018	Under conditions remove 'The maximum rates write off is \$500' - under section 6.12(2) of the LGA the power to write off monies does not apply to an amount of money owing in respect of rates or service charges.	Nil
5.4	Extension of payment time, waiver or reduction of penalties, withdrawal of infringement notices	29 June 2018	Added the following conditions: 1. Any agreement to extend the time to pay, waive or reduce penalties shall be made in writing. 2. Authority to waive or reduce penalties is limited to \$5,000. 3. If a Director/Deputy Chief Executive Officer makes a decision NOT to withdraw an infringement, and an objection is received as a result of that decision being made, the matter shall be referred to the Chief Executive Officer for determination.	Nil

Reference	Delegation	Date	Amendment	References
5.6	Municipal fund and trust fund	29 June 2018	Remove delegation from the register. Duplication of delegation 5.7 - Payment of accounts	Nil
5.8	Power to invest	29 June 2018	Increase level of investment authority from \$5 million to \$15 million. Sums over \$15 million must be approved by Council.	Nil
5.9	Rate record	29 June 2018	Combine delegations 5.1 - Agreement as to payment of rates and service charges - and 5.10 - Rates or service charges recoverable in court. Add the following conditions: Delegates must comply with the requirements of s.6.40 of the Act; Any agreement for the payment of rates or service charges must be made in writing, and must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied. A delegate who has participated in any matter contributing to a decision relating to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination to grant an extension of time or to allow or disallow any objection to the rate record.	Nil
7.4	Cat Act 2011 - Delegations	29 June 2018	Under power or duty, remove reference to local government administering local laws...we do not have a Cat Local Law.	Nil
7.5	Disposing of confiscated or uncollected goods	29 June 2018	Remove reference to s3.47A sick or injured animals, disposal of. New delegation created for this.	Nil

Reference	Delegation	Date	Amendment	References
7.6	Entry to property	29 June 2018	<p>Re-word delegation, as below, to allow for the proper execution of officer functions and duties: (copied WALGA template)</p> <ol style="list-style-type: none"> 1. Authority to exercise powers of entry to enter land to perform any of the local government functions under the Local Government Act 1995, 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]. <p>Also, add the following condition:</p> <p>Delegated authority may only be used, where there is imminent or substantial risk to public safety or property.</p>	Nil
4.10	Expressions of Interest for Goods & Services	29 June 2018	Change of title from 'Limitation may be placed on who can tender' to 'Expressions of Interest for Goods & Services.' to align with wording in the Act.	Nil
4.11	Authority to invite tenders	29 June 2018	Change of title from 'Making of the decision to invite tenders' to 'Authority to invite tenders' to align with wording in the Act.	Nil
4.12	Payments to employees in addition to contract or award	29 June 2018	Add condition - where a payment is made to an employee whose employment is finishing, and is more than set out in Council's Gratuity Policy, the CEO must cause local public notice to be given in relation to the payment made [s5.50(2)].	Nil
5.10	Rates or service charges recoverable in court	29 June 2018	Remove delegation from the register. Already accounted for in delegation 5.9 - Rate record	Nil
5.11	Recovery of impounding expenses	29 June 2018	Added Director Technical & Development Services as subdelegate.	Nil

Reference	Delegation	Date	Amendment	References
6.12	Food Act 2008 - Appointment of authorised persons and designated officers	29 June 2018	<p>Add conditions, as below:</p> <p>1. A person who is a Designated Officer for the purposes of issuing infringements, cannot be a Designated Officer for the purposes of extending time for payment or withdrawing infringements.</p> <p>2. A list of authorised and designated officers must be prepared and maintained in accordance with s.122(3) of the Food Act 2008.</p> <p>2. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</p>	Nil
6.13	Food Act 2008 - Prohibition orders	29 June 2018	<p>Add condition:</p> <p>In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</p>	Nil
6.14	Food Act 2008 - Prosecutions	29 June 2018	<p>Add delegation as follows:</p> <p>1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in court [s.54(2)].</p> <p>Add condition as follows:</p> <p>1. In accordance with s.18(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</p>	Nil
6.15	Food Act 2008 - Registration of a food business	29 June 2018	<p>Add condition, as below:</p> <p>In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</p>	Nil

Reference	Delegation	Date	Amendment	References
6.16	Planning and Development Act 2005	29 June 2018	<p>Under Statutory Framework add: Local Government Act 1995 5.42.Delegation of some powers and duties to CEO (1)A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under — — (a)this Act other than those referred to in section 5.43; or (b)the Planning and Development Act 2005 section 214 (2), (3) or (5). * Absolute majority required. (2)A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.</p>	Nil
7.10	Acquisition of land	29 June 2018	<p>Re-name delegation from 'Resumption of land' to 'Acquisition of land'.</p> <p>Add the following condition:</p> <p>A local government can only take land under Part 9 of the Land Administration Act 1997, if it is in, or is to be regarded as being included in, its own district [s.3.55]</p>	Nil

Reference	Delegation	Date	Amendment	References
7.14	Graffiti Vandalism Act 2016 - Notices	29 June 2018	<p>Re-name delegation from 'Graffiti Vandalism Act 2016 - Delegations' to 'Graffiti Vandalism Act 2016 - Notices'.</p> <p>Re-word delegation, as follows, in line with WALGA template:</p> <ol style="list-style-type: none"> 1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is removed in an acceptable manner, and 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 necessary to remove 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)]. 3. Authority to deal with an objection to a notice [s.22(3)]. 4. Authority, where an objection has been lodged, to: <ul style="list-style-type: none"> (a) 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 (b) to give notice to the affected person, before taking the necessary actions [s.24(3)]. 	Nil