



DELEGATIONS REGISTER

Current as at November 2023

Register of Delegations

Town of Bassendean



| VERSION CONTROL | | | |
|-----------------|------------|---|---|
| Number | Date | Item | Reason |
| 1 | 27/10/2020 | OCM | Section 5.46(2), <i>Local Government Act 1995</i> , annual review; major reform required. |
| 2 | 20/11/2020 | Delegations 1.2.1, 4.1.4, and 5.1.3 revoked | Act amendment (effective 07/11/2020) harmonised the process to appoint authorised persons. The CEO is the prescribed decision-maker to make appointments. Council decision not required to revoke as the amendment means Council no longer has the authority. |
| 3 | 01/2021 | Delegation 1.2.12 | Sub-delegation provided to officers to reflect new Purchasing Policy. Council decision not required as the amendment deals with a sub-delegation from the CEO. |
| 4 | 01/2021 | Delegation 1.2.27 | Delegation adopted by Council July 2020 and included in the Register. |
| 5 | 17/06/2021 | Delegation 1.2.14 Delegation 1.2.15 | Sub-delegation to Senior Accountant for the period 1 July 2021 – 31 December 2021 as Manager Finance position vacant. The delegation has been superseded by the sub-delegation dated 17 December 2021. |
| 6 | 22/06/2021 | Delegation 1.2.28 | Delegation adopted by Council June 2021 and included in the Register. |
| 7 | 22/07/2021 | Delegation 10.1.3 | Amend the condition of sub-delegation from CEO to Planning Officer to include approval for carports, non-habitable additions, and grouped dwellings. |
| 8 | 24/08/2021 | OCM Review | Section 5.46(2), <i>Local Government Act 1995</i> , annual review; major reform required. |
| 9 | 24/08/2021 | Delegation 1.2.23 Delegation 1.2.11 Delegation 1.2.12 | 1.2.23 - Amend to include the issue of a permit for a circus, only where the circus does not include the use of exotic animals. 1.2.11 – Include a condition on the delegation. 1.2.12 – Limitation on sole supplier delegation. |
| 10 | 17/12/2021 | Delegation 1.2.14 | Sub-delegation to senior accountant and management accountant updated. |
| 11 | 19/01/2022 | Delegation 1.2.2 Delegation 10.1.3 | Sub-delegation to planner amended to senior planner. |
| 12 | 09/06/2022 | Delegation 1.2.27 | Sub-delegation amended to reflect new position title of Manager Recycling and Waste. Sub-delegation advised by CEO to officer. |
| 13 | 28/06/2022 | Delegation 1.2.15 Delegation 1.2.28 | Delegation amended to include the provision of the write-off of small rates balance up to \$10.00 per property per annum. Delegation amended to include approval of application to cut/prune a tree where there is no dispute and the application is signed by all owners. |
| 14 | 13/12/2022 | Delegation 5.1.10 | Insert new delegation Grant an Exemption to Keep more than Two Dogs. Delegation 1.2.15 – Amended conditions to include the words per fee after the amount not exceeding \$250. Amended power to authorise a write – off of a debt, to insert the words per debt after a maximum value of \$250. |
| 15 | 13/12/2022 | Delegation 1.2.23 | Delegation 1.2.23 – Amended to delete reference to Responsible Cat Ownership Local Law 2006 and insert reference to Cats Local Law 2021. |
| 16 | 13/12/2022 | Delegation 4.1.1 – 4.1.7 | Delegations 4.1.1 - 4.1.7 – Amended to delete reference to the repealed Responsible Cat Ownership Local Law 2006 and insert reference to the Cats Local Law 2021. |
| 17 | 13/12/2022 | Delegation 3.1.3 | Delegation 3.1.3 – Amended by deleting the condition on the delegation and inserting the word nil. |
| 18 | 13/12/2022 | Delegation 5.1.4 | Delegation 5.1.4 – Amended by deleting reference to s. 29(1) of the <i>Dog Act 1976</i> in the delegation. |
| 19 | 13/12/2022 | Delegation 1.3.6 | Delegation 1.3.6 – Amended to remove reference to regulation 29(2) and (3) <i>Local Government (Administration) Regulations 1996</i> , and deletion of clauses 1 and 5 and renumber the subsequent clauses. |

Register of Delegations

Town of Bassendean



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| 20 | 28/02/23 | Delegation 1.2.11 | Expressions of Interest for Goods and Services Deleted - this gives effect to EOI's over a value of \$250,000 being brought to Council. |
| 21 | 28/2/23 | Delegation 1.2.12 | Tenders for Goods and Services Function Pt 1 - Amended to remove further reference to Council unless expressly identified by resolution of Council. Function Pt 10 – amended Authority to implement minor variations to a contract that has been entered into with a successful tenderer, provided the total variation value does not exceed 5 percent of the original contract; noting that a minor variation is a variation that does not alter the nature of the goods/services agreed to in the original contract”. Council conditions – third point added that Variation proposals to existing contracts or contract extensions that are not of a minor nature are to be brought to Council for determination. |
| 22 | 28/2/23 | Delegation 1.2.26 | Management of Vested Land and Unvested Facilities Function Pt 2 – amended Authority to do anything for the purpose of controlling and managing land under the control and management of the Town that the Town of Bassendean could do under s.5 of the Parks and Reserves Act 1895. [s.3.54(1)]” |
| 23 | 27/6/23 | Delegation 1.2.12 | Tenders for Goods and Services – amended to reflect the update to the Town of Bassendean Purchasing Policy Review which increased the CEO's approval of sole supplier arrangements for purchases from \$50,000 to \$60,000. |

COMPLIANCE LINKS – IMPORTANT INFORMATION

Delegations exercised under this Register of Delegations must be recorded in accordance with Administration Regulation 19.

Compliance links, including Legislation, Council Policy, Local Laws or external standards and guidelines, referred to each instrument of delegation contained in this register were correct at time of Council adoption.

Delegates **must** always review the primary legislation and compliance links before exercising a delegated authority to ensure decision making complies with legislative and other compliance obligations.

TOWN OF BASSENDEAN REGISTER OF DELEGATIONS

The following is the register of delegations for the purposes of sections 5.18 and 5.46 of the *Local Government Act 1995* which includes all delegations made by the Council of the Town of Bassendean under section 5.42 of the *Local Government Act 1995*, section 127 of the *Building Act 2011*, section 48 of the *Bush Fires Act 1954*, section 44 of the *Cat Act 2011*, section 10AA of the *Dog Act 1976*, section 118 of the *Food Act 2008*, section 16 of the *Graffiti Vandalism Act 2016*, section 21 of the *Public Health Act 2016* and Schedule 2 clause 82(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The delegations made within this register were made by the Council of the Town of Bassendean by a resolution passed by an absolute majority of the Council on 27 October 2020. Signed, for the Council –

Renee McLennan
Mayor

Date 29th October 2020

TOWN OF BASSENDEAN REGISTER OF SUB-DELEGATIONS

The following is the register of sub-delegations for the purposes of section 5.46 of the *Local Government Act 1995* which includes all delegations made by the Chief Executive Officer of the Town of Bassendean under section 5.44 of the *Local Government Act 1995*, section 127 of the *Building Act 2011*, section 45 of the *Cat Act 2011*, section 10AA of the *Dog Act 1976*, section 17 of the *Graffiti Vandalism Act 2016* and Schedule 2 clause 83 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The delegations made within this register were made by the Chief Executive Officer of the Town of Bassendean. Signed by the Chief Executive Officer –

Peta Mabbs
CEO

Date 29th October 2020

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1. Local Government Act 1995 Delegations

1 Local Government Act 1995 Delegations

1.1 Council to Committees of Council

1.1.1 Audit and Governance Committee

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| Delegator: | Local Government |
| Express Power to Delegate: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> ▪ s 5.16 Delegation of some powers and duties to certain committees. ▪ s 7.1B Delegation of some powers and duties to audit committees. |
| Express Power or Duty Delegated: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> ▪ s 7.12A(2), (3) & (4) Duties of Local Government with respect to audits |
| Delegate: | Audit and Governance Committee |
| Function: | <ol style="list-style-type: none"> 1. Authority to meet with the City's Auditor at least once every year on behalf of the Council [s 7.12A(2)]. 2. Authority to: <ol style="list-style-type: none"> a. examine the report of the Auditor and determine matters that require action to be taken by the Town of Bassendean; and b. ensure that appropriate action is taken in respect of those matters [s 7.12A(3)]. 3. Authority to review and endorse the Town of Bassendean's report on any actions taken in response to an Auditor's report, prior to it being forwarded to the Minister [s 7.12A(4)]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ This delegation is not to be used where a Management Letter or Audit Report raises significant issues. ▪ In that instance the Local Government's meeting with the Auditor must be directed to the Council. |
| Express Power to Sub-Delegate: | <ul style="list-style-type: none"> ▪ Nil. Sub-delegation is prohibited by s 7.1B. |
| Compliance Links: | <ul style="list-style-type: none"> ▪ Department of Local Government, Sport and Cultural Industries Operational Guideline - The appointment, function and responsibilities of Audit Committees. ▪ Audit and Governance Committee Instrument and Terms of Reference ▪ Town of Bassendean Investment Policy ▪ Town of Bassendean Financial Sustainability Policy |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Audit Committee Minutes shall record and identify each decision made under this delegation in accordance with the requirements of <i>Local Government (Administration) 1996</i> Regulation 19. ▪ Town of Bassendean Record Keeping Policy. |

1. Local Government Act 1995 Delegations

1.1.2 Complaints Committee

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| Delegator: | Local Government |
| Express Power to Delegate: | <i>Local Government Act 1995:</i> s.5.16 Delegation of some powers and duties to certain committees |
| Express Power or Duty Delegated: | <i>Local Government (Model Code of Conduct) Regulations 2021:</i> Clause 12 Dealing with a complaint Clause 13 Dismissal of complaint |
| Delegate: | Complaints Committee |
| Function: | <ol style="list-style-type: none"> 1. Authority to make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur <i>[MCC.cl. 12(1) and (3)]</i>. In making any finding the Committee must also determine reasons for the finding <i>[MCC.cl. 12(7)]</i>. 2. Where a finding is made that a breach has occurred, authority to: <ol style="list-style-type: none"> a. take no further action <i>[MCC.cl. 12(4(a))]</i>; or b. prepare and implement a plan to address the behaviour of the person to whom the complaint relates <i>[MCC.cl. 12(4)(b), (5) and (6)]</i>. 3. Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal <i>[MCC.cl. 13(1) and (2)]</i>. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ The Committee will make decisions in accordance with the principles and specified requirements established in Code of Conduct Complaints Management Policy. ▪ That part of a Committee meeting which deals with a Complaint will be held behind closed doors in accordance with s.5.23(2)(b) of the Act. ▪ The Committee is prohibited from exercising this Delegation where a Committee Member in attendance at a Committee meeting is either the Complainant or Respondent to the Complaint subject of a Committee agenda item. ▪ In the event of (c) above, the Committee member is to recuse themselves from attendance at the meeting. Should this result in loss of a quorum at the meeting, the Committee may resolve to defer consideration to a future meeting at which the |

1. Local Government Act 1995 Delegations

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| | <p>conflicted Committee Member is absent and a quorum of members is present.</p> <p><u>NOTE TO CONDITIONS (C) AND (D):</u> The purpose of this Condition is to require that a Committee Member who is identified as either the Complainant or Respondent is required to recuse themselves by notifying the Presiding Member of their intention to be an apology for the meeting at which the Complaint is an agenda item.</p> |
| Express Power to Sub-Delegate: | <ul style="list-style-type: none"> ▪ Nil. |
| Compliance Links: | <ul style="list-style-type: none"> ▪ Council Policy Complaints Committee Terms of Reference ▪ Council Policy Code of Conduct Complaints Management ▪ Council Policy Code of Conduct for Council Members, Committee Members and Candidates |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Committee Minutes shall record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19. |

1. Local Government Act 1995 Delegations

1.2 Council to CEO

1.2.1 Appoint Authorised Persons (Revoked due to Act Amendment 7/11/2020)

1. Local Government Act 1995 Delegations

1.2.2 Powers of Entry

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| Delegator: | Local Government |
| Express Power to Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> s 3.28 When this Subdivision applies s 3.31(2) General Procedure of Entering Land s 3.32 Notice of entry s 3.33 Entry under warrant s 3.34 Entry in an emergency s 3.36 Opening fences |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. Authority to exercise powers of entry to enter onto land to perform any of the local Government functions under the <i>Local Government Act 1995</i>, other than entry under a Local Law [s 3.28]. 2. Authority to give notice of entry [s 3.32]. 3. Authority to seek and execute an entry under warrant [s 3.33]. 4. Authority to execute entry in an emergency, using such force as is reasonable [s 3.34(1) and (3)]. 5. Authority to give notice and effect entry by opening a fence [s 3.36]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> Delegated authority under s 3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property or in an emergency. |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> s 5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s: | <ul style="list-style-type: none"> Director Community Planning Director Corporate Services Executive Manager Infrastructure Executive Manager Sustainability and Environment Manager Development and Place Senior Ranger Ranger Senior Environmental Health Officer Environmental Health Officer Senior Planner Principal Building Surveyor Building Surveyor |

1. Local Government Act 1995 Delegations

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| CEO Conditions on this Sub-Delegation: | <ul style="list-style-type: none"> ▪ The CEO and relevant Director must be advised before delegated authority under s 3.33 is exercised. ▪ Delegated authority under s 3.34(1) and s 3.34(3) may only be exercised, where there is imminent or substantial risk to public safety or property or in an emergency. ▪ Conditions on the CEO delegation also apply to the sub-delegation. ▪ Each person appointed under this delegation must be issued with an identification badge and carry this badge whenever exercising this delegation. ▪ Each person to whom a power or duty is delegated must keep records in accordance with Regulations in relation to the exercise of the power or the discharge of the duty. |
| Compliance Links: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> ▪ s 9.10 Appointment of authorised persons – refer also s 3.32(2)] Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry. ▪ s 3.34(2) Entry in an emergency. |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

1. Local Government Act 1995 Delegations

1.2.3 Declare Vehicle is Abandoned Vehicle Wreck

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| Delegator: | Local Government |
| Express Power to Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> ▪ s 5.42 Delegation of some powers or duties to the CEO ▪ s 5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> ▪ s 3.40A(4) Abandoned vehicle wreck may be taken |
| Delegate: | Chief Executive Officer |
| Function: | 1. Declare that an impounded vehicle is an abandoned vehicle wreck [s 3.40A(4)]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.2.4 Disposing of Confiscated or Uncollected Goods or alternatively, referred to Council for decision. |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> ▪ s 5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s: | <ul style="list-style-type: none"> ▪ Director Community Planning ▪ Director Corporate Services ▪ Executive Manager Infrastructure ▪ Executive Manager Sustainability and Environment ▪ Manager Development and Place |
| CEO Conditions on this Sub-Delegation: | <p>Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.</p> <p>Conditions on the CEO delegation also apply to the sub-delegation.</p> |
| Compliance Links: | <i>Local Government Act 1995</i> Part 3 Division 3 Subdivision 4 Impounding abandoned vehicle wrecks and goods. |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

1. Local Government Act 1995 Delegations

1.2.4 Confiscated or Uncollected Goods

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| Delegator: | Local Government |
| Express Power to Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> s 3.46 Goods May be withheld until costs paid s 3.47 Confiscated or uncollected goods, disposal of s 3.48 Impounding expenses, recovery of |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. Authority to refuse to allow goods impounded under s 3.39 or s 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. [s 3.46]. 2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s 3.43 [s 3.47]. 3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s 3.48]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with <i>Local Government (Functions and General) Regulations 1996</i> Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable. |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> s 5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s: | <ul style="list-style-type: none"> Director Community Planning Director Corporate Services Executive Manager Infrastructure Executive Manager Sustainability and Environment Manager Development and Place |
| CEO Conditions on this Sub-Delegation: | <p>Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.</p> <p>Conditions on the CEO delegation also apply to the sub-delegation.</p> |
| Compliance Links: | <i>Local Government Act 1995:</i> Part 3, Division 3, Subdivision 3 <ul style="list-style-type: none"> s 3.58 Disposing of Property - applies to the sale of goods under s 3.47 as if they were property referred to in that section. |
| Record Keeping: | <ul style="list-style-type: none"> Delegations exercised are to be recorded in the Town's document management system. |

1. Local Government Act 1995 Delegations

1.2.5 Close Thoroughfare to Vehicles

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| Delegator: | Local Government |
| Express Power to Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> ▪ s 5.42 Delegation of some powers or duties to the CEO. ▪ s 5.43 Limitations on delegations to the CEO. |
| Express Power or Duty Delegated: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> ▪ s 3.50 Closing certain thoroughfares to vehicles. ▪ s 3.50A Partial closure of thoroughfare for repairs or maintenance. ▪ s 3.51 Affected owners to be notified of certain proposals. |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4 weeks [s 3.50(1)]. 2. Authority to determine to close a thoroughfare for a period exceeding 4 weeks and before doing so, to: <ul style="list-style-type: none"> ▪ give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and ▪ consider submissions relevant to the road closure/s proposed [s 3.50(1a), (2) and (4)]. 3. Authority to revoke an order to close a thoroughfare [s 3.50(6)]. 4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s 3.50A] 5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s 3.51]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ If, under s 3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s 3.50(8)]. ▪ Maintain access to adjoining land [s 3.52(3)]. |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> ▪ s 5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s: | <ul style="list-style-type: none"> ▪ Director Community Planning ▪ Executive Manager Infrastructure ▪ Executive Manager Sustainability and Environment ▪ Engineering Technical Coordinator |

1. Local Government Act 1995 Delegations

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| | <ul style="list-style-type: none"> ▪ Senior Ranger |
| CEO Conditions on this Sub-Delegation: | <p>Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.</p> <p>Conditions on the CEO delegation also apply to the sub-delegation.</p> |
| Compliance Links: | |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

1. Local Government Act 1995 Delegations

1.2.6 Obstruction of Footpaths and Thoroughfares

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| Delegator: | Local Government |
| Express Power to Delegate: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> ▪ s 5.42 Delegation of some powers or duties to the CEO. ▪ s 5.43 Limitations on delegations to the CEO. |
| Express Power or Duty Delegated: | <p><i>Local Government (Uniform Local Provisions) Regulations 1996 (ULP):</i></p> <ul style="list-style-type: none"> ▪ reg 5(2) Interfering with, or taking from, local government land. ▪ reg 6 Obstruction of public thoroughfare by things placed and left - Sch 9.1, cl 3(1)(a). ▪ reg 7A Obstruction of public thoroughfare by fallen things – Sch 9.1, cl 3(1)(b). ▪ reg 7 Encroaching on public thoroughfare – Sch 9.1, cl 3(2). |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: <ol style="list-style-type: none"> a. prevent damage to the footpath; or b. prevent inconvenience to the public or danger from falling materials [ULP reg 5(2)]. 2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP reg 6(2) and reg (4)]. 3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP reg 6(6)]. 4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP reg 7A]. 5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP reg 7]. |

1. Local Government Act 1995 Delegations

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| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ Actions under this Delegation must comply with procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>. ▪ Permission may only be granted where, the person has: <ul style="list-style-type: none"> i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. |
| Express Power to Sub-Delegate: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> ▪ s 5.44 CEO may delegate some powers and duties to other employees. |
| Sub-Delegate/s: | <ul style="list-style-type: none"> ▪ Director Community Planning ▪ Director Corporate Services ▪ Executive Manager Infrastructure ▪ Executive Manager Sustainability and Environment ▪ Manager Development and Place ▪ Engineering Technical Coordinator ▪ Senior Ranger |
| CEO Conditions on this Sub-Delegation: | <p>Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.</p> <p>Conditions on the CEO delegation also apply to the sub-delegation.</p> |
| Compliance Links: | <ul style="list-style-type: none"> ▪ <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. ▪ Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>. |
| Record Keeping | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

1. Local Government Act 1995 Delegations

1.2.7 Public Thoroughfare – Dangerous Excavations

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| Delegator: | Local Government |
| Express Power to Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> s 5.42 Delegation of some powers or duties to the CEO. s 5.43 Limitations on delegations to the CEO. |
| Express Power or Duty Delegated: | <i>Local Government (Uniform Local Provisions) Regulations 1996,</i> regs 11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch 9.1, cl 6. |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner or occupier in writing to fill in or securely fence the excavation [ULP reg 11(1)]. 2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP reg 11(4)]. 3. Authority to impose conditions on granting permission [ULP reg 11(6)]. 4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP reg 11(8)]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> Actions under this Delegation must comply with procedural requirements detailed in <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> s 5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s: | <ul style="list-style-type: none"> Director Community Planning Director Corporate Services Executive Manager Infrastructure |

1. Local Government Act 1995 Delegations

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| | <ul style="list-style-type: none"> ▪ Executive Manager Sustainability and Environment ▪ Manager Development and Place ▪ Principal Building Surveyor ▪ Building Surveyor ▪ Engineering Technical Coordinator |
| CEO Conditions on this Sub-Delegation: | <p>Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.</p> <p>Conditions on the CEO delegation also apply to the sub-delegation.</p> |
| Compliance Links: | <ul style="list-style-type: none"> ▪ <i>Local Government (Uniform Local Provisions) Regulations 1996</i> – prescribe applicable statutory procedures. ▪ Penalties under the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>. ▪ <i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010</i>. |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

1. Local Government Act 1995 Delegations

1.2.8 Crossing – Construction, Repair and Removal

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| Delegator: | Local Government |
| Express Power to Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> s 5.42 Delegation of some powers or duties to the CEO. s 5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | <i>Local Government (Uniform Local Provisions) Regulations 1996:</i> <ul style="list-style-type: none"> reg 12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch 9.1, cl 7(2) reg 13(1) Requirement to construct or repair crossing – Sch 9.1 cl 7(3) |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP reg 12(1)]. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP reg 12(1)(a)]. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP reg 13(1)]. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP reg 13(2)]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> s 5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s: | <ul style="list-style-type: none"> Director Community Planning Executive Manager Infrastructure Engineering Technical Coordinator |
| CEO Conditions on this Sub-Delegation: | <p>Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.</p> <p>Conditions on the CEO delegation also apply to the sub-delegation.</p> |
| Compliance Links: | <ul style="list-style-type: none"> <i>Local Government (Uniform Local Provisions) Regulations 1996.</i> Penalties under the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>. |

1. Local Government Act 1995 Delegations

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| | <ul style="list-style-type: none">▪ <i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010.</i> |
| Record Keeping: | <ul style="list-style-type: none">▪ Delegations exercised are to be recorded in the Town's document management system. |

1. Local Government Act 1995 Delegations

1.2.9 Private Works on, over or under Public Places

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| Delegator: | Local Government |
| Express Power to Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Reg 17 Private works on, over, or under public places – Sch 9.1, cl 8 |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP reg 17(3)]. Authority to impose conditions on permission including those prescribed in reg 17(5) and (6) [ULP reg 17(5)]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> Actions under this Delegation must comply with procedural requirements under <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works. Provided evidence of sufficient Public Liability Insurance. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> s 5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s: | <ul style="list-style-type: none"> Director Community Planning Executive Manager Infrastructure Executive Manager Sustainability and Environment Engineering Technical Coordinator |
| CEO Conditions on this Sub-Delegation: | <p>Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.</p> <p>Conditions on the CEO delegation also apply to the sub-delegation.</p> |

1. Local Government Act 1995 Delegations

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| Compliance Links: | <ul style="list-style-type: none">▪ <i>Local Government (Uniform Local Provisions) Regulations 1996.</i>▪ Penalties under the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>. |
| Record Keeping: | <ul style="list-style-type: none">▪ Delegations exercised are to be recorded in the Town's document management system. |

1. Local Government Act 1995 Delegations

1.2.10 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift

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| Delegator: | Local Government |
| Express Power to Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | <i>Local Government (Uniform Local Provisions) 1996:</i> <ul style="list-style-type: none"> reg 21(1) Wind erosion and sand drifts – Sch 9.1, cl 12. |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to give notice to an owner or occupier of land if it is considered that clearing the owner or occupier's land may cause local government land, having a common boundary, to be adversely affected by wind erosion or sand drift [ULP reg 21(1)]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> Nil |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> s 5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s: | <ul style="list-style-type: none"> Director Community Planning Executive Manager Infrastructure Executive Manager Sustainability and Environment Manager Development and Place Senior Environmental Health Officer Environmental Health Officer Principal Building Surveyor Building Surveyor |
| CEO Conditions on this Sub-Delegation: | <p>Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.</p> <p>Conditions on the CEO delegation also apply to the sub-delegation.</p> |
| Compliance Links: | <ul style="list-style-type: none"> <i>Local Government (Uniform Local Provisions) Regulations 1996.</i> Penalties under the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>. |
| Record Keeping: | <ul style="list-style-type: none"> Delegations exercised are to be recorded in the Town's document management system. |

1. Local Government Act 1995 Delegations

1.2.11 Expressions of Interest for Goods and Services

Revoked.

2. Local Government Act 1995 Delegations

1.2.12 Tenders for Goods and Services

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| Delegator: | Local Government |
| Express Power to Delegate: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> ▪ s 5.42 Delegation of some powers or duties to the CEO ▪ s 5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> ▪ s 3.57 Tenders for providing goods or services <p><i>Local Government (Functions and General) Regulations 1996:</i></p> <ul style="list-style-type: none"> ○ reg 11 When tenders have to be publicly invited; ○ reg 13 Requirements when local government invites tenders though not required to do so; ○ reg 14 Publicly inviting tenders, requirements for; ○ reg 18 Rejecting and accepting Tenders; ○ reg 20 Variation of requirements before entry into contract; ○ reg 21A Varying a contract for the supply of goods or services. |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. The CEO is delegated authority to invite tenders for the supply of contracts over the value of \$250,000 [F&G reg 11(1)]. 2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement [F&G reg 11(f)] up to a maximum of \$60,000, with sole supplier proposals in excess of \$60,000 to come before Council for determination. 3. Authority to invite tenders although not required to do so [F&G reg 13]. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is \$250,000 or less and the expense is included in the adopted Annual Budget. 4. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G reg 14(2a)]. 5. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G reg 14(4)(a)]. 6. Authority to vary tender information after public notice of invitation to tender and before the close of tenders. [F&G reg 14(5)]. 7. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&G reg 18(4)]. 8. Authority to determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender, subject to a maximum 5 percent variation of the contract price, and to then negotiate minor variations with the successful tenderer before entering into a contract [F&G reg 20(1) and (3)]. |

1. Local Government Act 1995 Delegations

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| | <p>9. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G reg 18(4a)].</p> <p>10. Authority to implement minor variations to a contract that has been entered into with a successful tenderer, provided the total variation value does not exceed 5 percent of the original contract; noting that a minor variation is a variation that does not alter the nature of the goods/services agreed to in the original contract</p> <p>11. Authority to exercise an extension option subject to:</p> <ol style="list-style-type: none"> the extension being within the original terms and conditions approved by Council; and in accordance with reg 11(2)(j) [F&G reg 21A]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ Delegates exercising this delegation must comply with: <ul style="list-style-type: none"> ○ The Town of Bassendean Purchasing Policy. ○ Town of Bassendean Procurement Guidelines. ▪ Prior to going to market, notification to Councillors through the CEO Bulletin of the nature of the goods and the estimated cost sought. ▪ Variation proposals to existing contracts or contract extensions that are not of a minor nature are to be brought to Council for determination. |
| Express Power to Sub-Delegate: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> ▪ s 5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s: | <ul style="list-style-type: none"> ▪ Director Corporate Services <ul style="list-style-type: none"> ○ Functions 2, 4, 8 and 10. ▪ Director Community Planning <ul style="list-style-type: none"> ○ Functions 2 and 4. Function 10 provided the total variation value does not exceed above 5% of the original contract value. ▪ Executive Manager Infrastructure, Executive Manager Sustainability and Environment <ul style="list-style-type: none"> ○ Functions 4 and 10 provided the total variation value does not exceed above 5% of the original contract value. ▪ Coordinator Procurement, Contracts and Leases Functions 5, 6, 7 and 9. |
| CEO Conditions on this Sub-Delegation: | <p>Conditions on the CEO delegation also apply to the sub-delegation.</p> <p>Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.</p> |
| Compliance Links: | <ul style="list-style-type: none"> ▪ <i>Local Government (Functions and General) Regulations 1996</i> – prescribe applicable statutory procedures ▪ WALGA Subscription Service – Procurement Toolkit ▪ Purchasing Policy. ▪ Town of Bassendean Procurement Guidelines. |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

1. Local Government Act 1995 Delegations

1.2.13 Disposing of Property

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| Delegator: | Local Government |
| Express Power to Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> ▪ s 5.42 Delegation of some powers or duties to the CEO. ▪ s 5.43 Limitations on delegations to the CEO. |
| Express Power or Duty Delegated: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> ▪ s 3.58(2) & (3) Disposing of Property. |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. Authority to dispose of property to: <ol style="list-style-type: none"> a. the highest bidder at public auction [s 3.58(2)(a); b. the person who at public tender called by the local government makes what is, considered by the delegate to be, the most acceptable tender, whether or not it is the highest tender [s 3.58(2)(b)]. 2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s. 3.58(3)]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ Disposal of real property is excluded from this delegation. ▪ When determining the method of disposal: <ol style="list-style-type: none"> (a) Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> ○ Reserve price has been set by independent valuation. ○ Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price. (b) Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method. (c) Where a private treaty is determined [s 3.58(3)] as the method of disposal, authority to: <ul style="list-style-type: none"> ○ Negotiate the sale of the property up to a -10% variance on the valuation; and ○ Consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a decision are recorded. ▪ Where the market value of the property is determined as being less than \$20,000 (F&G reg 30(3) excluded disposal) may be undertaken: <ul style="list-style-type: none"> ○ Without reference to Council for resolution; and ○ In any case, be undertaken to ensure that the best value return is achieved however, where the property is |

1. Local Government Act 1995 Delegations

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| | determined as having a nil market value, then the disposal must ensure environmentally responsible disposal. |
| Express Power to Sub-Delegate: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> ▪ s 5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s: | <ul style="list-style-type: none"> ▪ Director Community planning ▪ Director Corporate Services ▪ Executive Manager Infrastructure ▪ Executive Manager Sustainability and Environment ▪ Manager Finance |
| CEO Conditions on this Sub-Delegation: | <ul style="list-style-type: none"> ▪ Conditions on the CEO delegation also apply to the sub-delegation. ▪ Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty. |
| Compliance Links: | <ul style="list-style-type: none"> ▪ <i>Local Government Act 1995</i> – s 3.58 Disposal of Property. ▪ <i>Local Government (Functions and General) Regulations 1995</i> – reg 30 Dispositions of property excluded from s 3.58 of the Act. ▪ Asset Management Policy. |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

1. Local Government Act 1995 Delegations

1.2.14 Payments from the Municipal or Trust Funds

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| Delegator: | Local Government |
| Express Power to Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> s 5.42 Delegation of some powers or duties to the CEO. s 5.43 Limitations on delegations to the CEO. |
| Express Power or Duty Delegated: | <i>Local Government (Financial Management) Regulations 1996:</i> <ul style="list-style-type: none"> reg 12(1)(a) Payments from municipal fund or trust fund, restrictions on making. |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to make payments from the municipal or trust funds [reg 12(1)(a)]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> Authority to make payments is subject to annual budget limitations. |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> s 5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s: | <ul style="list-style-type: none"> Director Corporate Services Director Community Planning Manager Finance Senior Accountant Management Accountant |
| CEO Conditions on this Sub-Delegation: | <p>Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.</p> <p>Conditions on the CEO delegation also apply to the sub-delegation.</p> <p>The sub-delegation to the Senior Accountant is up to \$50,000.</p> <p>The sub-delegation to the Management Accountant is up to \$50,000.</p> |
| Compliance Links: | <ul style="list-style-type: none"> <i>Local Government Act 1995.</i> <i>Local Government (Financial Management) Regulations 1996</i> - refer specifically reg 13: Payments from municipal fund or trust fund by CEO, CEO's duties with respect to. <i>Local Government (Audit) Regulations 1996.</i> Department of Local Government, Sport and Cultural Industries Operational Guideline No 11 – Use of Corporate Credit Cards. Department of Local Government, Sport and Cultural Industries: Accounting Manual. Town of Bassendean Purchasing Policy. Town of Bassendean Procurement Guidelines. Town of Bassendean Use of Corporate Credit Card Procedures. |
| Record Keeping: | <ul style="list-style-type: none"> Delegations exercised are to be recorded in the Town's document management system. |

1. Local Government Act 1995 Delegations

1.2.15 Defer payment, Grant Discounts, Waive Fees or Write Off Debts

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| Delegator: | Local Government |
| Express Power to Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> s 5.42 Delegation of some powers or duties to the CEO. s 5.43 Limitations on delegations to the CEO. |
| Express Power or Duty Delegated: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> s 6.12 Power to defer payment, grant discounts, waive fees or write off debts. |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> Waive a debt, fee or charge which is owed to the Town of Bassendean [s. 6.12(1)(b)]. To waive or grant concessions in relation to any amount of money which is owed to the Town in relation to a development application. [s. 6.12(1)(b)]. Grant a concession in relation to money which is owed to the Town of Bassendean [s 6.12(1)(b)]. Write off an amount of money which is owed to the Town of Bassendean [s 6.12(1)(c)]. Write off small rates balances up to a maximum of \$10.00 per property per annum. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> Delegation for (1) above does not apply to debts, which are prescribed as debts that are taken to be a rate or service charge [s 6.12(2)]. A debt may only be written off where all necessary measures have been taken to locate/contact the debtor and where costs associated to continue the action to recover the debt will outweigh the net value of the debt if recovered by the Town. This Delegation must be exercised in accordance with Council Policies - Recovery of Sundry Debts, and Town of Bassendean Financial Hardship Policy. The power to waive fees or write off money is subject to the amount not exceeding \$250 per fee. Authorise a write off of any debts (not including rates or other charges) to a maximum value of \$250 per debt. Write off small rates balances to a maximum of \$10.00 per property per annum. Council shall be informed of the details whenever this delegation is exercised. |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> s 5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s: | <ul style="list-style-type: none"> Director Corporate Services Director Community Planning – Function 5 is not sub-delegated to this position. Manager Finance Senior Accountant – Function 5 is not sub-delegated to this position. |

1. Local Government Act 1995 Delegations

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| CEO Conditions on this Sub-Delegation: | <p>Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.</p> <p>Conditions on the CEO delegation also apply to the sub-delegation.</p> <p>Function 5 – is not sub-delegated to the Director Community Planning or the Senior Accountant.</p> |
| Compliance Links: | <ul style="list-style-type: none"> ▪ Council Policies - Recovery of Sundry Debts Policy, and Town of Bassendean Financial Hardship Policy. ▪ <i>Planning and Development Regulations 2009</i> |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

1. Local Government Act 1995 Delegations

1.2.16 Power to Invest and Manage Investments

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|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> ▪ s 5.42 Delegation of some powers or duties to the CEO. ▪ s 5.43 Limitations on delegations to the CEO. |
| Express Power or Duty Delegated: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> ▪ s 6.14 Power to invest. <i>Local Government (Financial Management) Regulations 1996:</i> <ul style="list-style-type: none"> ▪ reg 19 Investments, control procedures for |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s 6.14(1)]. 2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM reg 19]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ All investment activity must comply with the <i>Local Government (Financial Management) Regulations 1996</i>: <ul style="list-style-type: none"> ○ reg 19 Investments ,control procedures for ○ reg 19C Investment of money, restrictions on. ▪ Investment Policy. ▪ A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Statements. |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> ▪ s 5.44 CEO may delegate some powers and duties to other employees. |
| Sub-Delegate/s: | <ul style="list-style-type: none"> ▪ Director Corporate Services ▪ Manager Finance |
| CEO Conditions on this Sub-Delegation: | <ul style="list-style-type: none"> ▪ Conditions on the CEO delegation also apply to the sub-delegation. ▪ A decision to invest must be jointly confirmed by two Delegates. |
| Compliance Links: | <ul style="list-style-type: none"> ▪ <i>Local Government (Financial Management) Regulations 1996.</i> ▪ Investment Policy. |
| Record Keeping | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

1. Local Government Act 1995 Delegations

1.2.17 Rate Record Amendment

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|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> ▪ s 5.42 Delegation of some powers or duties to the CEO. ▪ s 5.43 Limitations on delegations to the CEO. |
| Express Power or Duty Delegated: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> ▪ s 6.39(2)(b) Amend the rate record |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s 6.39(2)(b)]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ Delegates must comply with the requirements of s 6.40 of the Act. |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> ▪ s 5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s: | Nil. |
| CEO Conditions on this Sub-Delegation: | Nil. |
| Compliance Links: | <ul style="list-style-type: none"> ▪ <i>Local Government Act 1995</i> – s 6.40 prescribes consequential actions that may be required following a decision to amend the rate record. ▪ Note – Decisions under this delegation may be referred for review to the State Administrative Tribunal. |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

1. Local Government Act 1995 Delegations

1.2.18 Agreement as to Payment of Rates and Service Charges

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|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> ▪ s 5.42 Delegation of some powers or duties to the CEO. ▪ s 5.43 Limitations on delegations to the CEO. |
| Express Power or Duty Delegated: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> ▪ s 6.49 Agreement as to payment of rates and service charges |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to make an agreement with a person for the payment of rates or service charges [s 6.49] |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ This Delegation must be exercised in accordance with Council Policies: <ul style="list-style-type: none"> ○ Recovery of Rates and Service Charges ○ Financial Hardship |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> ▪ s 5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s: | <ul style="list-style-type: none"> ▪ Director Corporate Services ▪ Manager Finance |
| CEO Conditions on this Sub-Delegation: | <p>Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.</p> <p>Conditions on the CEO delegation also apply to the sub-delegation.</p> |
| Compliance Links: | <ul style="list-style-type: none"> ▪ Council Policies: <ul style="list-style-type: none"> ○ Recovery of Rates and Service Charges ○ Financial Hardship |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

1. Local Government Act 1995 Delegations

1.2.19 Determine Due Date for Rates or Service Charges

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|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> s 5.42 Delegation of some powers or duties to the CEO. s 5.43 Limitations on delegations to the CEO. |
| Express Power or Duty Delegated: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> s 6.50 Rates or service charges due and payable. |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to determine the date on which rates or service charges become due and payable to the Town of Bassendean [s 6.50]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> Nil |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> s 5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s: | <ul style="list-style-type: none"> Director Corporate Services |
| CEO Conditions on this Sub-Delegation: | Conditions on the CEO delegation also apply to the sub-delegation. |
| Compliance Links: | |
| Record Keeping: | <ul style="list-style-type: none"> Delegations exercised are to be recorded in the Town's document management system. |

1. Local Government Act 1995 Delegations

1.2.20 Recovery of Rates or Service Charges

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|---|--|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> ▪ s 5.42 Delegation of some powers or duties to the CEO. ▪ s 5.43 Limitations on delegations to the CEO. |
| Express Power or Duty Delegated: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> ▪ s 6.56 Rates or service charges recoverable in court. ▪ s 6.64(3) Actions to be taken. |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s 6.56(1)]. 2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s 6.64(3)]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ This Delegation must be exercised in consideration of Council Policies: <ul style="list-style-type: none"> ○ Recovery of Rates and Service Charges ○ Rates Exemption ○ Financial Hardship. |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> ▪ s 5.44 CEO may delegate some powers and duties to other employees. |
| Sub-Delegate/s: | <ul style="list-style-type: none"> ▪ Director Corporate Services |
| CEO Conditions on this Sub-Delegation: | Conditions on the CEO delegation also apply to the sub-delegation. |
| Compliance Links: | <ul style="list-style-type: none"> ▪ Council Policies: <ul style="list-style-type: none"> ○ Recovery of Rates and Service Charges ○ Rates Exemption ○ Financial Hardship. |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

1. Local Government Act 1995 Delegations

1.2.21 Recovery of Rates Debts – Require Lessee to Pay Rent

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|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> ▪ s 5.42 Delegation of some powers or duties to the CEO. ▪ s 5.43 Limitations on delegations to the CEO. |
| Express Power or Duty Delegated: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> ▪ s 6.60 Local Government may require lessee to pay rent. |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the Town of Bassendean [s 6.60(2)]. 2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s 6.60(4)]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ This Delegation must be exercised in consideration of Council Policies: <ul style="list-style-type: none"> ○ Recovery of Rates and Service Charges ○ Financial Hardship. |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> ▪ s 5.44 CEO may delegate some powers and duties to other employees. |
| Sub-Delegate/s: | <ul style="list-style-type: none"> ▪ Director Corporate Services |
| CEO Conditions on this Sub-Delegation: | Conditions on the CEO delegation also apply to the sub-delegation. |
| Compliance Links: | <ul style="list-style-type: none"> ▪ <i>Local Government Act 1995</i> – refer sections 6.61 and 6.62 and Schedule 6.2 prescribe procedures relevant to exercise of authority under s 6.60. ▪ Council Policies: <ul style="list-style-type: none"> ○ Recovery of Rates and Service Charges ○ Financial Hardship. |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

1. Local Government Act 1995 Delegations

1.2.22 Rate Record – Objections

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|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> ▪ s 5.42 Delegation of some powers or duties to the CEO. ▪ s 5.43 Limitations on delegations to the CEO. |
| Express Power or Duty Delegated: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> ▪ s 6.76 Grounds of objection. |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. Authority to extend the time for a person to make an objection to a rate record [s 6.76(4)]. 2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s 6.76(5)]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must not be party to any determination under this Delegation. |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> ▪ s 5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s: | <ul style="list-style-type: none"> ▪ Director Corporate Services |
| CEO Conditions on this Sub-Delegation: | Conditions on the CEO delegation also apply to the sub-delegation. |
| Compliance Links: | <ul style="list-style-type: none"> ▪ Note – Decisions under this delegation may be referred for review by the State Administrative Tribunal |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

1. Local Government Act 1995 Delegations

1.2.23 Administration of Local Laws

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|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> ▪ s 5.42 Delegation of some powers or duties to the CEO. ▪ s 5.43 Limitations on delegations to the CEO. |
| Express Power or Duty Delegated: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> ▪ s. 3.18(1) <i>Local Government Act 1995.</i> |
| Delegate: | Chief Executive Officer |
| Function: | <p>Powers to determine applications, issue and apply conditions to approvals, consents, permits, licences and registrations, undertake enforcement functions and exercise discretion under the following local laws –</p> <ol style="list-style-type: none"> 1. Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010 2. Animals, Environment, Nuisance and Pests Local Law 2019 3. Bee Keeping Local Law 2018 4. Dogs Local Law 2019 5. Dust and Building Waste Local Law 2018 6. Fencing Local Law 2013 7. Health Local Law 2001 8. Parking Local Law 2019 9. Property Local Law 2001 10. Cats Local Law 2021 11. Waste Local Law 2019 |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ Infringements may only be issued by persons authorised for the purposes of section 9.16 of the <i>Local Government Act 1995.</i> ▪ The CEO may only issue a permit under the Property Local Law for the operation of a circus on Town Property, where that circus does not involve the use of exotic animals. |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> ▪ s 5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s: | <ul style="list-style-type: none"> ▪ Director Corporate Services ▪ Director Community Planning ▪ Executive Manager Infrastructure ▪ Executive Manager Sustainability and Environment ▪ Manager Development and Place ▪ Senior Ranger ▪ Ranger ▪ Senior Environmental Health Officer ▪ Environmental Health Officer ▪ Principal Building Surveyor ▪ Building Surveyor |

1. Local Government Act 1995 Delegations

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| CEO Conditions on this Sub-Delegation: | Conditions on the CEO delegation also apply to the sub-delegation. |
| Compliance Links: | <ul style="list-style-type: none">▪ <i>Local Government Act 1995</i>▪ Part 9 Division 1 Objections and Review▪ Part 9 Division 2 Enforcement and Legal Proceedings |
| Record Keeping: | <ul style="list-style-type: none">▪ Delegations exercised are to be recorded in the Town's document management system. |

1. Local Government Act 1995 Delegations

1.2.24 Disposal of Sick or Injured Animals

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|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | <i>Local Government Act 1995:</i> s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)]. 2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48]. |
| Council Conditions on this Delegation: | a. Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed. |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s: | <ul style="list-style-type: none"> ▪ Director Corporate Services ▪ Director Community Planning ▪ Executive Manager Infrastructure ▪ Manager Development and Place ▪ Senior Ranger |
| CEO Conditions on this Sub-Delegation: | Conditions on the CEO delegation also apply to the sub-delegation. |
| Compliance Links: | |
| Record Keeping | Delegations exercised are to be recorded in the Town's document management system. |

1. Local Government Act 1995 Delegations

1.2.25 Compensation for Damage Incurred when Performing Executive Functions

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|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | <i>Local Government Act 1995:</i> s.3.22(1) Compensation s.3.23 Arbitration |
| Delegate: | Chief Executive Officer |
| Function: | 1. In accordance with the s.3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of executive functions and make payment of compensation [s.3.22(1)]. 2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23. |
| Council Conditions on this Delegation: | a. Delegation is limited to settlements which do not exceed a material value of \$5,000. b. Council shall be informed of the details whenever this delegation is exercised. |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s: | <ul style="list-style-type: none"> ▪ Director Corporate Services ▪ Director Community Planning |
| CEO Conditions on this Sub-Delegation: | Conditions on the CEO delegation also apply to the sub-delegation. |
| Compliance Links: | |
| Record Keeping | Delegations exercised are to be recorded in the Town's document management system. |

1. Local Government Act 1995 Delegations

1.2.26 Management of Vested Land and Unvested Facilities

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|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | <i>Local Government Act 1995:</i> s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)]. 2. Authority to do anything for the purpose of controlling and managing land under the control and management of the Town that the Town of Bassendean could do under s.5 of the Parks and Reserves Act 1895. [s.3.54(1)]. |
| Council Conditions on this Delegation: | a. Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets. |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s: | <ul style="list-style-type: none"> ▪ Director Corporate Services ▪ Director Community Planning ▪ Executive Manager Infrastructure ▪ Executive Manager Sustainability and Environment |
| CEO Conditions on this Sub-Delegation: | Conditions on the CEO delegation also apply to the sub-delegation. |
| Compliance Links: | |
| Record Keeping | Delegations exercised are to be recorded in the Town's document management system. |

1. Local Government Act 1995 Delegations

1.2.27 Authority to waive or grant concessions pursuant to Town of Bassendean Compassionate Waste Services Guidelines

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|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> s. 6.12(1)(b) and (c) Power to defer payment, grant discounts, waive fees or write off debts. Authority to waive a fee or grant a concession pursuant to the Town of Bassendean Compassionate Waste Services Guidelines. |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to waive a fee or charge, or grant a concession in accordance with the Town of Bassendean Compassionate Waste Services Guidelines. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> Nil. |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995:</i> s 5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s: | <ul style="list-style-type: none"> Executive Manager Sustainability and Environment Manager Recycling and Waste |
| CEO Conditions on this Sub-Delegation: | Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty. |
| Compliance Links: | <ul style="list-style-type: none"> Town of Bassendean Compassionate Waste Services Guidelines (adopted by Council 28 July 2020). |
| Record Keeping: | <ul style="list-style-type: none"> Delegations exercised are to be recorded in the Town's document management system. |

1. Local Government Act 1995 Delegations

1.2.28 Authority to make Tree Preservation Orders in prescribed circumstances in accordance with clause 4.7.7.3(ii) of Local Planning Scheme No. 10

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| Delegator: | Local Government |
| Express Power to Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | <ul style="list-style-type: none"> Local Planning Scheme No. 10 – Clause 4.7.7.3(ii) – Tree Preservation Orders Clause 4.7.7.5 |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> Authority to make Tree Preservation Orders in accordance with clause 4.7.7.3(ii) of Local Planning Scheme No. 10 – <ol style="list-style-type: none"> Where consent is received from the owner(s) and occupier(s) of the land on which the tree is located, which, for the purpose of this delegation, includes lots where a tree may overhang; Without notice to the owner(s) and/or occupier(s) of the land on which the tree is located, where there is a risk of imminent damage to the tree requiring an order to be made as a matter of urgency. Where consent is not received from the owner(s) and occupier(s) of the land on which the tree is located and the CEO does not consider it appropriate to make an order, the matter will be referred to Council for determination. Authority to approve applications to cut/prune trees subject to Tree Preservations Orders, in accordance with 4.7.7.5 of Local Planning Scheme No 10 where there is no dispute, and the application is signed by all owners on the land in which the tree is located. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> Nil. |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> s 5.44 CEO may delegate some powers and duties to other employees |
| Sub-Delegate/s: | <ul style="list-style-type: none"> Nil. |
| CEO Conditions on this Sub-Delegation: | Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty. |
| Compliance Links: | <ul style="list-style-type: none"> Town of Bassendean Local Planning Scheme No. 10. |
| Record Keeping: | <ul style="list-style-type: none"> Delegations exercised are to be recorded in the Town's document management system. |

1. Local Government Act 1995 Delegations

1.3 CEO to Employees

1.3.1 Determine if an Emergency for Emergency Powers of Entry

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|---|---|
| Delegator: | Chief Executive Officer |
| Express Power to Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> ▪ s 5.44 CEO may delegate some powers and duties to other employees. |
| Express Power or Duty Delegated: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> ▪ s 3.34(2) Entry in emergency |
| Delegate/s: | <ul style="list-style-type: none"> ▪ Director Community Planning ▪ Director Corporate Services ▪ Executive Manager Infrastructure ▪ Executive Manager Sustainability and Environment ▪ Manager Development and Place ▪ Senior Ranger |
| Function: | 1. Authority to determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions [s 3.34(2)]. |
| CEO Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ Two delegates, one of which must be a Director or Executive Manager or the Manager Development and Place, must agree and approve any actions under this delegation. ▪ The CEO must be notified prior to the exercise of this delegation. |
| Express Power to Sub-Delegate: | Nil. |
| Compliance Links: | <ul style="list-style-type: none"> ▪ |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

1. Local Government Act 1995 Delegations

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

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|---|---|
| Delegator: | Chief Executive Officer |
| Express Power to Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> s 5.44 CEO may delegate some powers and duties to other employees. |
| Express Power or Duty Delegated: | <i>Local Government (Uniform Local Provisions) Regulations 1996:</i> <ul style="list-style-type: none"> reg 6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a) |
| Delegate/s: | <ul style="list-style-type: none"> Director Community Planning Director Corporate Services Executive Manager Infrastructure Executive Manager Sustainability and Environment |
| Function: | <p>When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority – Obstruction of Footpaths and Thoroughfares:</p> <ol style="list-style-type: none"> Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP reg 6(4)(d)]. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP reg 6(5)(b)]. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP reg 6(5)(d)]. |
| CEO Conditions on this Delegation: | <ul style="list-style-type: none"> Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority Obstruction of Footpaths and Thoroughfares. Actions under this Delegation must comply with the procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>. |
| Express Power to Sub-Delegate: | Nil. |
| Compliance Links: | <ul style="list-style-type: none"> This delegated authority is effective only in alignment with Delegated Authority Obstructions of Footpaths and Thoroughfares. <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>. |

1. Local Government Act 1995 Delegations

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| Record Keeping: | <ul style="list-style-type: none">Delegations exercised are to be recorded in the Town's document management system. |
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1. Local Government Act 1995 Delegations

1.3.3 Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares

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|---|---|
| Delegator: | Chief Executive Officer |
| Express Power to Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> s 5.44 CEO may delegate some powers and duties to other employees. |
| Express Power or Duty Delegated: | Local Government (Uniform Local Provisions) Regulations 1996: <ul style="list-style-type: none"> reg 11(6)(c) and (7)(c) Dangerous excavation in or near public thoroughfare – Sch 9.1, cl 6. |
| Delegate/s: | <ul style="list-style-type: none"> Director Community Planning Director Corporate Services Executive Manager Infrastructure Executive Manager Sustainability and Environment |
| Function: | <p>When determining to grant permission to for a dangerous excavation under Delegated Authority – Public Thoroughfare – Dangerous Excavations:</p> <ol style="list-style-type: none"> Authority to determine, as a condition of granting permission, the sum sufficient to deposit to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [reg 11(6)(c)]. Authority to determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience [reg 11(7)(c)]. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. |
| CEO Conditions on this Delegation: | <ul style="list-style-type: none"> Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority Public Thoroughfares – Dangerous Excavations. Actions under this Delegation must comply with the procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>. |
| Express Power to Sub-Delegate: | Nil. |
| Compliance Links: | <ul style="list-style-type: none"> This delegated authority is effective only in alignment with Delegated Authority - Public Thoroughfares – Dangerous Excavations. <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. Penalties under the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>. |

1. Local Government Act 1995 Delegations

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| Record Keeping: | <ul style="list-style-type: none">Delegations exercised are to be recorded in the Town's document management system. |
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1. Local Government Act 1995 Delegations

1.3.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places

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|---|---|
| Delegator: | Chief Executive Officer |
| Express Power to Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> s 5.44 CEO may delegate some powers and duties to other employees. |
| Express Power or Duty Delegated: | <i>Local Government (Uniform Local Provisions) Regulations 1996:</i> <ul style="list-style-type: none"> reg 17(5)(b) and reg 17(6)(c) Private works on, over, or under public places, Sch 9.1 cl. 8. |
| Delegate/s: | <ul style="list-style-type: none"> Director Community Planning Director Corporate Services Executive Manager Infrastructure Executive Manager Sustainability and Environment |
| Function: | <ol style="list-style-type: none"> Authority to determine, as a condition of granting permission for Private Works in Public Places, the sum sufficient to deposit with the Local Government to cover the cost of repairing damage to the public thoroughfare or public place resulting from the crossing construction, on the basis that the Local Government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [reg 17(5)(b)]. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [reg 17(6)(c)]. |
| CEO Conditions on this Delegation: | <ul style="list-style-type: none"> Delegates exercising this delegation must comply with the prescribed manner and form for permissions set out under reg 17(4). |
| Express Power to Sub-Delegate: | <ul style="list-style-type: none"> Nil. |
| Compliance Links: | <ul style="list-style-type: none"> This delegated authority is effective only in alignment with Delegated Authority Private Works on, over or under Public Places |
| Record Keeping: | <ul style="list-style-type: none"> Delegations exercised are to be recorded in the Town's document management system. |

1. Local Government Act 1995 Delegations

1.3.5 Appoint Persons (other than employees) to Open Tenders

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|---|--|
| Delegator: | Chief Executive Officer |
| Express Power to Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> s 5.44 CEO may delegate some powers and duties to other employees. |
| Express Power or Duty Delegated: | <i>Local Government (Functions and General) Regulations 1996:</i> <ul style="list-style-type: none"> reg 16(3) Receiving and opening tenders, procedure for. |
| Delegate/s: | <ul style="list-style-type: none"> Director Community Planning Director Corporate Services Executive Manager Infrastructure Executive Manager Sustainability and Environment Coordinator Procurement Contracts and Leases |
| Function: | 1. Authority to appoint one person (other than employees) to be present with an employee of the Local Government to open tenders, when two employees are unable to attend then tender opening [F&G reg 16(3)]. |
| CEO Conditions on this Delegation: | <ul style="list-style-type: none"> Nil |
| Express Power to Sub-Delegate: | <ul style="list-style-type: none"> Nil |
| Compliance Links: | <ul style="list-style-type: none"> |
| Record Keeping: | <ul style="list-style-type: none"> Delegations exercised are to be recorded in the Town's document management system. |

1. Local Government Act 1995 Delegations

1.3.6 Information to be Available to the Public

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|---|---|
| Delegator: | Chief Executive Officer |
| Express Power to Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> s 5.44 CEO may delegate some powers and duties to other employees. |
| Express Power or Duty Delegated: | <i>Local Government (Administration) Regulations 1996 (Admin Regs):</i> <ul style="list-style-type: none"> reg 29B Copies of certain information not to be provided (Act s 5.96). <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> s 5.95(1)(b) & (3)(b) Limits on right to inspect local government information. |
| Delegate/s: | <ul style="list-style-type: none"> Director Corporate Services |
| Function: | <ol style="list-style-type: none"> Authority to determine the public right to inspect information in an agenda or minutes, by determining if the information requested would be part of the meeting which is likely to be closed to members of the public [Admin Regs reg 29(3)]. Authority to determine the manner and form by which a person may request copies of rates record information [s 5.94(m)] or owners and occupiers register and electoral rolls [s 5.94(s)] and to make the information available, if satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes [Admin Regs reg 29B]. Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s 5.95(1)(b)]. |
| CEO Conditions on this Delegation: | <ul style="list-style-type: none"> Nil |
| Express Power to Sub-Delegate: | <ul style="list-style-type: none"> Nil |
| Compliance Links: | <ul style="list-style-type: none"> Record Keeping Policy. Electronic Recording and Livestreaming of Council Meetings. <i>Freedom of Information Act 1982</i> |
| Record Keeping: | <ul style="list-style-type: none"> Record Keeping Policy. Delegations exercised are to be recorded in the Town's document management system. |

1. Local Government Act 1995 Delegations

1.3.7 Financial Management Systems and Procedures

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|---|--|
| Delegator: | Chief Executive Officer |
| Express Power to Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> s 5.44 CEO may delegate some powers and duties to other employees. |
| Express Power or Duty Delegated: | <i>Local Government (Financial Management) Regulations 1996 (FM Regs):</i> <ul style="list-style-type: none"> reg 5 CEO's Duties as to financial management. |
| Delegate/s: | <ul style="list-style-type: none"> Director Corporate Services Director Community Planning Executive Manager Infrastructure Executive Manager Sustainability and Environment Manager Finance Coordinator Procurement, Contracts and Leases |
| Function: | <p>1. Authority to establish systems and procedures which give effect to internal controls and risk mitigation for the:</p> <ol style="list-style-type: none"> Collection of money owed to the Town of Bassendean. Safe custody and security of money collected or held by the Town of Bassendean. Maintenance and security of all financial records, including payroll, stock control and costing records. Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities. Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards. Making of payments in accordance with Delegated Authority Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements. [FM Regs, reg 5]. |
| CEO Conditions on this Delegation: | <ul style="list-style-type: none"> Procedures are to be systematically documented and retained and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Governance Committee at least once within each three (3) financial years. [Audit reg 17]. |
| Express Power to Sub-Delegate: | <ul style="list-style-type: none"> Nil |
| Compliance Links: | <ul style="list-style-type: none"> <i>Local Government Act 1995.</i> <i>Local Government (Financial Management) Regulations 1996</i> <i>Local Government (Audit) Regulations 1996</i> Purchasing Policy. Procurement Guidelines. Use of Corporate Credit Card Procedures. |

1. Local Government Act 1995 Delegations

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| | <ul style="list-style-type: none">▪ Record Keeping Policy. |
| Record Keeping: | <ul style="list-style-type: none">▪ Delegations exercised are to be recorded in the Town's document management system. |

1. Local Government Act 1995 Delegations

1.3.8 Audit – CEO Review of Systems and Procedures

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|---|---|
| Delegator: | Chief Executive Officer |
| Express Power to Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> s 5.44 CEO may delegate some powers and duties to other employees |
| Express Power or Duty Delegated: | <i>Local Government (Audit) Regulations 1996:</i> <ul style="list-style-type: none"> reg 17 CEO to review certain systems and procedures. |
| Delegate/s: | <ul style="list-style-type: none"> Director Corporate Services |
| Function: | <p>1. Authority to conduct the review of the appropriateness and effectiveness of the Town of Bassendean systems and procedures in relation to:</p> <ul style="list-style-type: none"> (a) risk management; and (b) internal controls; and (c) legislative compliance [reg 17(1)]. |
| CEO Conditions on this Delegation: | <ul style="list-style-type: none"> Each matter is to be reviewed at least once within every three (3) financial year, with a report on each matter to be provided to the Audit and Risk Committee that details the findings, including any identified deficiencies, and actions required. |
| Express Power to Sub-Delegate: | Nil. |
| Compliance Links: | <ul style="list-style-type: none"> <i>Local Government (Audit) Regulations 1996</i> |
| Record Keeping: | <ul style="list-style-type: none"> Delegations exercised are to be recorded in the Town's document management system. |

1. Local Government Act 1995 Delegations

1.3.9 Infringement Notices

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|---|---|
| Delegator: | Chief Executive Officer |
| Express Power to Delegate: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> ▪ s 5.44 CEO may delegate some powers and duties to other employees. |
| Express Power or Duty Delegated: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> ▪ s 9.13(6)(b) onus of proof in vehicle offences may be shifted. ▪ s 9.19 Extension of Time. ▪ s 9.20 Withdrawal of Notice. <p><i>Building Regulations 2012:</i></p> <ul style="list-style-type: none"> ▪ reg 70(1A), 70(1), 70(2) Approved officers and authorised officers. |
| Delegate/s: | <ul style="list-style-type: none"> ▪ Director Community Planning ▪ Manager Development and Place ▪ Senior Ranger – function 1 only ▪ Ranger – function 1 only |
| Function: | <ol style="list-style-type: none"> 1. Authority to consider an owner of a vehicle's submission that the vehicle that is subject of an infringement notice, had been stolen or unlawfully taken at the time of the alleged offence [s 9.13(6)(b)]. 2. Authority to extend the 28-day period within which payment of a modified penalty may be paid, whether or not the period of 28-days has elapsed [s 9.19]. 3. Authority to withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s 9.20]. |
| CEO Conditions on this Delegation: | <ol style="list-style-type: none"> (a) The Senior Ranger delegate can only exercise the power under s 9.13(6)(b) onus of proof in vehicle offences may be shifted. (b) A delegate who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this Delegation. (c) A Delegate who has been delegated authority to withdraw an infringement must NOT be appointed as an authorised person for the purposes of issuing an infringement notice. (d) Delegation as an 'Approved Officer' in accordance with <i>Building Act 2011 and Building Regulation 70(1)</i> for the purposes of <i>Building Act 2011</i> Infringement Notices is limited to the following listed position only: <ul style="list-style-type: none"> ○ Principal Building Surveyor. (e) Delegation for <i>Dog Act, Cat Act, Parking Local Law</i>, Infringement Notices is limited to the following listed positions ONLY: <ul style="list-style-type: none"> ○ Senior Ranger ○ Ranger |
| Express Power to Sub-Delegate: | <ul style="list-style-type: none"> ▪ Nil |

1. Local Government Act 1995 Delegations

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| Compliance Links: | ▪ Ranger Procedure Manual |
| Record Keeping: | ▪ Delegations exercised are to be recorded in the Town's document management system. |

2. Building Act 2011 Delegations

2 Building Act 2011 Delegations

2.1 Council to CEO / Employees

2.1.1 Grant a Building Permit

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|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Building Act 2011:</i> <ul style="list-style-type: none"> s. 127(1); s. 127(3) Delegations: special permit authorities and local government. |
| Express Power or Duty Delegated: | <i>Building Act 2011:</i> <ul style="list-style-type: none"> s. 18 Further information. s. 20 Grant of building permit. s. 22 Further grounds for not granting an application. s. 27 Conditions imposed by permit authority <i>Building Regulations 2012:</i> <ul style="list-style-type: none"> Reg. 23 Application to extend time during which permit has effect (s. 32). Reg. 24 Extension of time during which permit has effect (s. 32(3)). Reg. 26 Approval of new responsible person (s. 35(c)). |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> Authority to require an applicant to provide any documentation or information required to determine a building permit application [s. 18(1)]. Authority to refuse to consider an application if s. 18(1) not complied with [s. 18(2)]. Authority to grant or refuse to grant a building permit [s. 20(1); s. 20(2); s. 22]. Authority to impose, vary or revoke conditions on a building permit [s. 27(1); s. 27(3)]. Authority to determine an application to extend time during which a building permit has effect [reg. 23]. <ol style="list-style-type: none"> Subject to being satisfied that work for which the building permit was granted has not been completed or the extension is necessary to allow rectification of defects of works for which the permit was granted [reg. 24(1)]. Authority to impose any condition on the building permit extension that could have been imposed under s. 27 [reg. 24(2)]. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [reg. 26]. |
| Council Conditions on this Delegation: | A delegation of a special permit authority's powers or duties may be only to: <ul style="list-style-type: none"> an employee of the special permit authority (s. 127(2)); or |

2. Building Act 2011 Delegations

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| | <ul style="list-style-type: none"> a person employed by the Local Government under s. 5.36 <i>Local Government Act 1995</i>; and Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with reg. 5 of the <i>Building Regulations 2012</i>. |
| Express Power to Sub-Delegate: | <i>Building Act 2011:</i> <ul style="list-style-type: none"> s. 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO). |
| Sub-Delegate/s: | <ul style="list-style-type: none"> Director Community Planning Manager Development and Place Principal Building Surveyor Building Surveyor |
| CEO Conditions on this Sub-Delegation: | Conditions on the CEO delegation also apply to the sub-delegation. |
| Compliance Links: | <i>Building Act 2011</i> <ul style="list-style-type: none"> s. 119 Building and demolition permits – application for review by State Administrative Tribunal (SAT). s. 23 Time for deciding application for building or demolition permit. s. 17 Uncertified application to be considered by building surveyor. <i>Building Regulations 2012</i> <ul style="list-style-type: none"> reg. 25: Review of decision to refuse to extend time during which permit has effect (s. 32(3)) – reviewable by SAT. <i>Building Services (Registration Act) 2011</i> – Section 7. <i>Home Building Contracts Act 1991</i> – Part 3A, Division 2 – Part 7, Division 2 <i>Building and Construction Industry Training Levy Act 1990</i>. |
| Record Keeping: | <ul style="list-style-type: none"> Delegations exercised are to be recorded in the Town's document management system. |

2. Building Act 2011 Delegations

2.1.2 Demolition Permits

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| Delegator: | Local Government (Permit Authority) |
| Express Power to Delegate: | <p><i>Building Act 2011:</i></p> <ul style="list-style-type: none"> ▪ s. 127(1) & (3) Delegation: special permit authorities and local government. |
| Express Power or Duty Delegated: | <p><i>Building Act 2011:</i></p> <ul style="list-style-type: none"> ▪ s 18 Further information. ▪ s 21 Grant of demolition permit. ▪ s 22 Further grounds for not granting an application. ▪ s 27(1) and (3) Impose conditions on permit. <p><i>Building Regulations 2012</i></p> <ul style="list-style-type: none"> ▪ reg 23 Application to extend time during which permit has effect (s 32). ▪ reg 24 Extension of time during which permit has effect (s 32(3)). ▪ reg 26 Approval of new responsible person (s 35(c)). |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s 18(1)]. 2. Authority to grant or refuse to grant a demolition permit on the basis that all s 21(1) requirements have been satisfied [ss 20(1); 20(2); 22]. 3. Authority to impose, vary or revoke conditions on a demolition permit [ss 27(1); 27(3)]. 4. Authority to determine an application to extend time during which a demolition permit has effect [reg 23]. <ul style="list-style-type: none"> (a) Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [reg 24(1)]. (b) Authority to impose any condition on the demolition permit extension that could have been imposed under s 27 [reg 24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [reg 26]. |
| Council Conditions on this Delegation: | <p>A delegation of a special permit authority's powers or duties may be only to:</p> <ul style="list-style-type: none"> ▪ an employee of the special permit authority (s 127(2)); or ▪ <i>a person employed by the Local Government under s 5.36 Local Government Act 1995; and</i> |

2. Building Act 2011 Delegations

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| | <ul style="list-style-type: none"> Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with reg 5 of the <i>Building Regulations 2012</i>. |
| Express Power to Sub-Delegate: | <i>Building Act 2011:</i> <ul style="list-style-type: none"> s 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO). |
| Sub-Delegate/s: | <ul style="list-style-type: none"> Director Community Planning Manager Development and Place Principal Building Surveyor Building Surveyor |
| CEO Conditions on this Sub-Delegation: | Conditions on the CEO delegation also apply to the sub-delegation. |
| Compliance Links: | <i>Building Act 2011</i> <ul style="list-style-type: none"> s 119 Building and demolition permits – application for review by SAT s 23 Time for deciding application for building or demolition permit <i>Building Services (Complaint Resolution and Administration) Act 2011</i> – Part 7, Division 2. <i>Building and Construction Industry Training Levy Act 1990</i>. <i>Heritage Act 2018</i>. |
| Record Keeping: | <ul style="list-style-type: none"> Delegations exercised are to be recorded in the Town's document management system. |

2. Building Act 2011 Delegations

2.1.3 Occupancy Permits or Building Approval Certificates

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| Delegator: | Local Government (Permit Authority) |
| Express Power to Delegate: | <i>Building Act 2011:</i> <ul style="list-style-type: none"> ▪ s 127(1) & (3) Delegation: special permit authorities and local government. |
| Express Power or Duty Delegated: | <i>Building Act 2011:</i> <ul style="list-style-type: none"> ▪ s 55 Further information. ▪ s 58 Grant of occupancy permit, building approval certificate. ▪ ss 62(1); 62(3) Conditions imposed by permit authority. ▪ s 65(4) Extension of period of duration <i>Building Regulations 2012</i> <ul style="list-style-type: none"> ▪ reg 40 Extension of period of duration of time limited occupancy permit or building approval certificate (s 65). |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s 55]. 2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s 58]. 3. Authority to impose, add, vary or revoke conditions on an occupancy permit [ss 62(1); 62(3)]. 4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s 65(4); reg 40]. |
| Council Conditions on this Delegation: | <p>A delegation of a special permit authority's powers or duties may be only to:</p> <ul style="list-style-type: none"> ▪ an employee of the special permit authority (s 127(2)); or ▪ a person employed by the Local Government under s 5.36 <i>Local Government Act 1995</i>; and ▪ Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with reg 5 of the <i>Building Regulations 2012</i>. |
| Express Power to Sub-Delegate: | <i>Building Act 2011:</i> <ul style="list-style-type: none"> ▪ s 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO). |
| Sub-Delegate/s: | <ul style="list-style-type: none"> ▪ Director Community Planning ▪ Manager Development and Place ▪ Principal Building Surveyor ▪ Building Surveyor |
| CEO Conditions on this Sub-Delegation: | Conditions on the CEO delegation also apply to the sub-delegation. |
| Compliance Links: | <i>Building Act 2011</i> <ul style="list-style-type: none"> ▪ s 59 time for granting occupancy permit or building approval certificate. |

2. Building Act 2011 Delegations

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| | <ul style="list-style-type: none">▪ s 60 Notice of decision not to grant occupancy permit or grant building approval certificate.▪ s 121 Occupancy permits and building approval certificates – application for review by SAT.▪ <i>Building Services (Complaint Resolution and Administration) Act 2011</i> – Part 7, Division 2.▪ <i>Building and Construction Industry Training Levy Act 1990</i>.▪ <i>Heritage Act 2018</i>. |
| Record Keeping: | <ul style="list-style-type: none">▪ Delegations exercised are to be recorded in the Town's document management system. |

2. Building Act 2011 Delegations

2.1.4 Designate Employees as Authorised Persons

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| Delegator: | Local Government (Permit Authority) |
| Express Power to Delegate: | <i>Building Act 2011:</i> <ul style="list-style-type: none"> ▪ s 127(1) & (3) Delegation: special permit authorities and local government. |
| Express Power or Duty Delegated: | <i>Building Act 2011:</i> <ul style="list-style-type: none"> ▪ s 96(3) authorised persons. ▪ s 99(3) Limitation on powers of authorised person. |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. Authority to designate an employee as an authorised person [s 96(3)]. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s 99(3)]. |
| Council Conditions on this Delegation: | A delegation of a special permit authority's powers or duties may be only to: <ul style="list-style-type: none"> ▪ an employee of the special permit authority (s 127(2)); or ▪ a person employed by the Local Government under s 5.36 <i>Local Government Act 1995</i>; and ▪ Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with reg 5 of the <i>Building Regulations 2012</i>. |
| Express Power to Sub-Delegate: | <i>Building Act 2011:</i> <ul style="list-style-type: none"> ▪ s 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO). |
| Sub-Delegate/s: | <ul style="list-style-type: none"> ▪ Director Community Planning ▪ Manager Development and Place |
| CEO Conditions on this Sub-Delegation: | Conditions on the CEO delegation also apply to the sub-delegation. |
| Compliance Links: | <i>Building Act 2011:</i> <ul style="list-style-type: none"> ▪ s 97 requires each person designated as an authorised person must have an identity card. ▪ reg 5A Authorised persons (s 3) – definition. |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

2. Building Act 2011 Delegations

2.1.5 Building Orders

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| Delegator: | Local Government (Permit Authority) |
| Express Power to Delegate: | <p><i>Building Act 2011:</i></p> <ul style="list-style-type: none"> ▪ ss 127(1); 127(3) Delegation: special permit authorities and local government. |
| Express Power or Duty Delegated: | <ul style="list-style-type: none"> ▪ <i>Building Act 2011:</i> <ul style="list-style-type: none"> ○ s 110(1) A permit authority may make a building order. ○ s 111(1) Notice of proposed building order other than building order (emergency). ○ ss 117(1); 117(2) A permit authority may revoke a building order or notify that it remains in effect. ○ ss 118(2); 118(3) Permit authority may give effect to building order if non-compliance. ○ s 133(1) A permit authority may commence a prosecution for an offence against this Act. |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> (a) Building work. (b) Demolition work. (c) An existing building or incidental structure [s 110(1)]. 2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s 111(1)(c)]. 3. Authority to revoke a building order [s 117]. 4. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> (a) take any action specified in the order; or (b) commence or complete any work specified in the order; or (c) if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s 118(2)]. 5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s 118(3)]. 6. Authority to specify a way in which an outward facing side of a particular close/boundary wall must be finished off. 7. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the <i>Building Act 2011</i>. |
| Council Conditions on this Delegation: | <p>A delegation of a special permit authority's powers or duties may be only to:</p> <ul style="list-style-type: none"> ▪ an employee of the special permit authority (s 127(2)); or ▪ a person employed by the Local Government under s 5.36 <i>Local Government Act 1995</i>; and |

2. Building Act 2011 Delegations

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| | <ul style="list-style-type: none"> Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with reg 5 of the <i>Building Regulations 2012</i>. |
| Express Power to Sub-Delegate: | <i>Building Act 2011:</i> <ul style="list-style-type: none"> s 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO). |
| Sub-Delegate/s: | <ul style="list-style-type: none"> Director Community Planning Manager Development and Place Principal Building Surveyor Building Surveyor |
| CEO Conditions on this Sub-Delegation: | Conditions on the CEO delegation also apply to the sub-delegation. |
| Compliance Links: | <i>Building Act 2011:</i> <ul style="list-style-type: none"> Section 111 Notice of proposed building order other than building order (emergency). Section 112 Content of building order. Section 113 Limitation on effect of building order. Section 114 Service of building order. Part 9 Review - s 122 Building orders – application for review by SAT. |
| Record Keeping: | <ul style="list-style-type: none"> Delegations exercised are to be recorded in the Town's document management system. |

2. Building Act 2011 Delegations

2.1.6 Inspection and Copies of Building Records

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| Delegator: | Local Government (Permit Authority) |
| Express Power to Delegate: | <i>Building Act 2011:</i> <ul style="list-style-type: none"> ▪ s 127(1) & (3) Delegation: special permit authorities and local government. |
| Express Power or Duty Delegated: | <i>Building Act 2011:</i> <ul style="list-style-type: none"> ▪ s 131(2) Inspection, copies of building records. |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to determine an application from an interested person to inspect and copy a building record [s 131(2)]. |
| Council Conditions on this Delegation: | A delegation of a special permit authority's powers or duties may be only to: <ul style="list-style-type: none"> ▪ an employee of the special permit authority (s 127(2)); or ▪ a person employed by the Local Government under s 5.36 <i>Local Government Act 1995</i>; and ▪ Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with reg 5 of the <i>Building Regulations 2012</i>. |
| Express Power to Sub-Delegate: | <i>Building Act 2011:</i> <ul style="list-style-type: none"> ▪ s 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO). |
| Sub-Delegate/s: | <ul style="list-style-type: none"> ▪ Director Community Planning ▪ Manager Development and Place ▪ Principal Building Surveyor ▪ Building Surveyor |
| CEO Conditions on this Sub-Delegation: | Conditions on the CEO delegation also apply to the sub-delegation. |
| Compliance Links: | <ul style="list-style-type: none"> ▪ <i>Building Act 2011</i> – s 146 Confidentiality. |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

2. Building Act 2011 Delegations

2.1.7 Referrals and Issuing Certificates

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|---|--|
| Delegator: | Local Government (Permit Authority) |
| Express Power to Delegate: | <i>Building Act 2011:</i> <ul style="list-style-type: none"> s 127(1) & (3) Delegation: special permit authorities and local government. |
| Express Power or Duty Delegated: | <i>Building Act 2011:</i> <ul style="list-style-type: none"> s 145A Local Government functions. |
| Delegate: | Chief Executive Officer |
| Function: | <ul style="list-style-type: none"> Authority to refer uncertified applications under s 17(1) to a building surveyor who is not employed by the local government [s 145A(1)]. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Town of Bassendean's, Local Government District [s 145A(2)]. |
| Council Conditions on this Delegation: | A delegation of a special permit authority's powers or duties may be only to: <ul style="list-style-type: none"> an employee of the special permit authority (s 127(2)); or a person employed by the Local Government under s 5.36 <i>Local Government Act 1995</i>; and Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with reg 5 of the <i>Building Regulations 2012</i>. |
| Express Power to Sub-Delegate: | <i>Building Act 2011:</i> <ul style="list-style-type: none"> S 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |
| Sub-Delegate/s: | <ul style="list-style-type: none"> Director Community Planning Manager Development and Place Principal Building Surveyor Building Surveyor |
| CEO Conditions on this Sub-Delegation | Conditions on the CEO delegation also apply to the sub-delegation. |
| Compliance Links: | |
| Record Keeping: | <ul style="list-style-type: none"> Delegations exercised are to be recorded in the Town's document management system. |

2. Building Act 2011 Delegations

2.1.8 Private Pool Barrier – Alternative and Performance Solutions

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| Delegator: | Local Government (Permit Authority) |
| Express Power to Delegate: | <i>Building Act 2011:</i> <ul style="list-style-type: none"> s 127(1) & (3) Delegation: special permit authorities and local government. |
| Express Power or Duty Delegated: | <i>Building Regulations 2012:</i> <ul style="list-style-type: none"> Reg 51 Approvals by permit authority. Reg 50(4) Use of alternative requirements. |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926.1 [reg 51(2)]. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner or occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [reg 51(3)]. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [reg 51(5)]. Authority to use alternative requirements for a barrier to a pre-May 2016 private swimming pool [reg 50(4)]. Authority to arrange for an authorised person to inspect. |
| Council Conditions on this Delegation: | <p>A delegation of a special permit authority's powers or duties may be only to:</p> <ul style="list-style-type: none"> an employee of the special permit authority (s 127(2)); or a person employed by the Local Government under s 5.36 <i>Local Government Act 1995</i>; and Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with reg 5 of the <i>Building Regulations 2012</i>. |
| Express Power to Sub-Delegate: | <i>Building Act 2011:</i> <ul style="list-style-type: none"> s 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO). |
| Sub-Delegate/s: | <ul style="list-style-type: none"> Director Community Planning Manager Development and Place Principal Building Surveyor Building Surveyor |
| CEO Conditions on this Sub-Delegation: | Conditions on the CEO delegation also apply to the sub-delegation. |
| Compliance Links: | |

2. Building Act 2011 Delegations

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| Record Keeping: | <ul style="list-style-type: none">Delegations exercised are to be recorded in the Town's document management system. |
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2. Building Act 2011 Delegations

2.1.9 Smoke Alarms – Alternative Solutions

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|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Building Act 2011:</i> <ul style="list-style-type: none"> s 127(1) & (3) Delegation: special permit authorities and local government. |
| Express Power or Duty Delegated: | <i>Building Regulations 2012:</i> <ul style="list-style-type: none"> reg 55 Terms Used (alternative building solution approval). reg 61 Local Government approval of battery powered smoke alarms. |
| Delegate: | <ul style="list-style-type: none"> Chief Executive Officer Principal Building Surveyor |
| Function: | <ol style="list-style-type: none"> Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [reg 55]. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [reg 61]. |
| Council Conditions on this Delegation: | <p>A delegation of a special permit authority's powers or duties may be only to:</p> <ul style="list-style-type: none"> an employee of the special permit authority (s 127(2)); or a person employed by the Local Government under s 5.36 <i>Local Government Act 1995</i>; and Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with reg 5 of the <i>Building Regulations 2012</i>. |
| Express Power to Sub-Delegate: | <i>Building Act 2011:</i> <ul style="list-style-type: none"> s 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO). |
| Sub-Delegate/s: | Nil. |
| CEO Conditions on this Sub-Delegation: | Conditions on the CEO delegation also apply to the sub-delegation. |
| Compliance Links: | <ul style="list-style-type: none"> Reg 60: Requirements for smoke alarms. |
| Record Keeping: | <ul style="list-style-type: none"> Delegations exercised are to be recorded in the Town's document management system. |

3. Bush Fires Act 1954 Delegations

3 Bush Fires Act 1954 Delegations

3.1 Council to CEO, Mayor and Bush Fire Control Officer

3.1.1 Make Request to FES Commissioner – Control of Fire

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|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Bush Fires Act 1954:</i> ▪ s 48 Delegation by local government. |
| Express Power or Duty Delegated: | <i>Bush Fires Act 1954:</i> ▪ s 13(4) Duties and powers of bush fire liaison officers. |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to request on behalf of the Town of Bassendean that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s 13(4)]. |
| Council Conditions on this Delegation: | ▪ Nil |
| Express Power to Sub-Delegate: | ▪ Sub-delegation is prohibited pursuant to s 48(3). |
| Compliance Links: | |
| Record Keeping: | ▪ Delegations exercised are to be recorded in the Town's document management system. |

3. Bush Fires Act 1954 Delegations

3.1.2 Prohibited Burning Times - Vary

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|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | <p><i>Bush Fires Act 1954:</i></p> <ul style="list-style-type: none"> ▪ s 48 Delegation by local government. ▪ s 17(10) local government may by resolution delegate to its mayor, or president, and its Chief Bush Fire Control Officer, jointly its powers and duties under subsections (7) and (8). |
| Express Power or Duty Delegated: | <p><i>Bush Fires Act 1954:</i></p> <ul style="list-style-type: none"> ▪ s 17(7) Prohibited burning times may be declared by Minister <p><i>Bush Fire Regulations 1954:</i></p> <ul style="list-style-type: none"> ▪ reg 15 Permit to burn (s 18 <i>Bush Fires Act 1954</i>), form of and apply for after refusal etc. |
| Delegate: | Mayor and Chief Bush Fire Control Officer (jointly) |
| Function: | 1. Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised <i>CALM Act</i> officer [s 17(7)] – [<i>Conservation and Land Management Act 1984</i>] |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ Decisions under s 17(7) must be undertaken jointly by both the Mayor and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s. 17(7B) and (8). |
| Express Power to Sub-Delegate: | <ul style="list-style-type: none"> ▪ Sub-delegation is prohibited by s 48(3). |
| Compliance Links: | |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

3. Bush Fires Act 1954 Delegations

3.1.3 Prohibited Burning Times – Control Activities

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|---|--|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> ▪ s 48 Delegation by local government. |
| Express Power or Duty Delegated: | <ul style="list-style-type: none"> ▪ <i>Bush Fires Act 1954:</i> ▪ s 17(7) Prohibited burning times may be declared by Minister. ▪ s 27(2) and (3) Prohibition on use of tractors or engines except under certain conditions. ▪ s 28(4) and (5) Occupier of land to extinguish bush fire occurring on own land. <i>Bush Fire Regulations 1954:</i> <ul style="list-style-type: none"> ▪ reg 15 Permit to burn (Act s 18), form of and apply for after refusal etc. |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [reg 15]. 2. Authority to recover the cost of measures taken by the Town of Bassendean or Bush Fire Control Officer, to extinguish a fire burning during Prohibited Burning Times, where the occupier of the land has failed to comply with requirements under s 28(1) to take all possible measures to extinguish a fire on the land they occupy [s 28(4)], including authority to recover expenses in any court of competent jurisdiction [s 28(5)]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ Nil. ▪ |
| Express Power to Sub-Delegate: | <ul style="list-style-type: none"> ▪ Sub-delegation is prohibited by s 48(3) |
| Compliance Links: | |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

3. Bush Fires Act 1954 Delegations

3.1.4 Restricted Burning Times – Vary and Control Activities

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| Delegator: | Local Government |
| Express Power to Delegate: | <i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> ▪ s 48 Delegation by local government |
| Express Power or Duty Delegated: | <i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> ▪ s 18(5), (11) Restricted burning times may be declared by FES Commissioner. ▪ s 22(6) and (7) Burning on exempt land and land adjoining exempt land. ▪ s 27(2) and (3) Prohibition on use of tractors or engines except under certain conditions. ▪ s 28(4) and (5) Occupier of land to extinguish bush fire occurring on own land. <i>Bush Fire Regulations 1954:</i> <ul style="list-style-type: none"> ▪ reg 15 Permit to burn (Act s 18), form of and apply for after refusal etc. ▪ reg 15C Local Government may prohibit burning on certain days. |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. Authority, where seasonal conditions warrant it and after consultation with an authorised <i>CALM Act</i> officer, to determine to vary the restricted burning times in respect of that year [s 18(5)]. 2. Authority, where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s 18(11)]. 3. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [reg 15]. 4. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [reg 15C]. 5. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s 22(6) and (7)]. 6. Authority to recover the cost of measures taken by the Town of Bassendean or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s 28(1) to take all possible measures to extinguish a fire on the land they occupy [s 28(4)], including authority to |

3. Bush Fires Act 1954 Delegations

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| | recover expenses in any court of competent jurisdiction [s 28(5)]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ Nil |
| Express Power to Sub-Delegate: | <ul style="list-style-type: none"> ▪ Sub-delegation is prohibited by s 48(3). |
| Compliance Links: | |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

3. Bush Fires Act 1954 Delegations

3.1.5 Control of Operations Likely to Create Bush Fire Danger

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| Delegator: | Local Government |
| Express Power to Delegate: | <i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> ▪ s 48 Delegation by local government |
| Express Power or Duty Delegated: | <i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> ▪ s 27D Requirements for carriage and deposit of incendiary material. <i>Bush Fires Regulations 1954:</i> <ul style="list-style-type: none"> ▪ reg 39C Welding and cutting apparatus, use of in open air. ▪ reg 39CA Bee smoker devices, use of in restricted or prohibited burning times etc. ▪ reg 39D Explosives, use of. ▪ reg 39E Fireworks, use of. |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: <ul style="list-style-type: none"> (a) a person operating a bee smoker device during a prescribed period [reg 39CA(5)]. (b) a person operating welding apparatus, a power operated abrasive cutting disc [reg 39C(3)]. (c) a person using explosives [reg 39D(2)]. (d) a person using fireworks [reg 39E(3)] 2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s 27D]. <p><i>Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.</i></p> |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ Nil |
| Express Power to Sub-Delegate: | <ul style="list-style-type: none"> ▪ Sub-delegation is prohibited by s 48(3) |
| Compliance Links: | |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

3. Bush Fires Act 1954 Delegations

3.1.6 Burning Garden Refuse / Open Air Fires

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| Delegator: | Local Government |
| Express Power to Delegate: | <i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> ▪ s 48 Delegation by local government |
| Express Power or Duty Delegated: | <i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> ▪ s 24F Burning garden refuse during limited burning times. ▪ s 24G Minister or local government may further restrict burning of garden refuse. ▪ s 25 No fire to be lit in open air unless certain precautions taken. ▪ s 25A Power of Minister to exempt from provisions of section 25. <i>Bush Fires Regulations 1954:</i> <ul style="list-style-type: none"> ▪ reg 27(3) Permit, issue of. |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2 metres of a building or fence, only where satisfied it is not likely to create a fire hazard [s 24F(2)(b)(ii) and (4)]. 2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s 24F [s 24G(2)]. 3. Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [reg 27(3) and reg 33(5)]. 4. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plant growing upon any land within the District [reg 34]. 5. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of: <ol style="list-style-type: none"> a. camping or cooking [s 25(1)(a)]. b. conversion of bush into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s 25(1)(b)]. 6. Authority to prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s 25(1a) and s 25(1b)]. 7. Authority to serve written notice on a person to whom an exemption has been given under s 25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s 25A(5)]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ Nil |
| Express Power to Sub-Delegate: | <ul style="list-style-type: none"> ▪ Sub-delegation is prohibited by s 48(3). |

3. Bush Fires Act 1954 Delegations

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| Compliance Links: | |
| Record Keeping: | <ul style="list-style-type: none">Delegations exercised are to be recorded in the Town's document management system. |

3. Bush Fires Act 1954 Delegations

3.1.7 Firebreaks

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|---|--|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Bush Fires Act 1954:</i> ▪ s 48 Delegation by local government. |
| Express Power or Duty Delegated: | <i>Bush Fires Act 1954:</i> ▪ s 33 Local government may require occupier of land to plough or clear fire-breaks. |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Town of Bassendean: <ol style="list-style-type: none"> a. clearing of firebreaks as determined necessary and specified in the notice; and b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and c. as a separate or coordinated action with any other person carry out similar actions [s 33(1)]. 2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s 33(4)]. 3. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s 33(5)]. |
| Council Conditions on this Delegation: | ▪ Nil |
| Express Power to Sub-Delegate: | ▪ Sub-delegation is prohibited by s 48(3). |
| Compliance Links: | |
| Record Keeping: | ▪ Delegations exercised are to be recorded in the Town's document management system. |

3. Bush Fires Act 1954 Delegations

3.1.8 Appoint Bush Fire Control Officer/s

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|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Bush Fires Act 1954:</i> ▪ s 48 Delegation by local government |
| Express Power or Duty Delegated: | <i>Bush Fires Act 1954:</i> ▪ s 38 Local Government may appoint bush fire control officer. |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> Authority to appoint persons to be Bush Fire Control Officers for the purposes of the <i>Bush Fires Act 1954</i>; and: <ol style="list-style-type: none"> Of those Officers, appoint one as the Chief Bush Fire Control Officer and one Deputy Chief Bush Fire Control Officer; and Determine the respective seniority of the other Bush Fire Officers so appointed [s 38(1)]. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Town of Bassendean [s 38(5A)]. |
| Council Conditions on this Delegation: | ▪ Nil |
| Express Power to Sub-Delegate: | ▪ Nil – Sub-delegation is prohibited by s 48(3). |
| Compliance Links: | ▪ Firebreak and Fuel Load Notices. |
| Record Keeping: | ▪ Delegations exercised are to be recorded in the Town's document management system. |

3. Bush Fires Act 1954 Delegations

3.1.9 Control and Extinguishment of Bush Fires

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|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Bush Fires Act 1954:</i> ▪ s 48 Delegation by local government. |
| Express Power or Duty Delegated: | <i>Bush Fires Act 1954:</i> ▪ s 46 Bush fire control officer or forest officer may postpone lighting fire. |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s 46(1A)]. |
| Council Conditions on this Delegation: | ▪ Nil |
| Express Power to Sub-Delegate: | ▪ Sub-delegation is prohibited by s 48(3). |
| Compliance Links: | ▪ |
| Record Keeping: | ▪ Delegations exercised are to be recorded in the Town's document management system. |

3. Bush Fires Act 1954 Delegations

3.1.10 Recovery of Expenses Incurred through Contraventions of this Act

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| Delegator: | Local Government |
| Express Power to Delegate: | <i>Bush Fires Act 1954:</i> ▪ s 48 Delegation by local government. |
| Express Power or Duty Delegated: | <i>Bush Fires Act 1954:</i> ▪ s 58 General penalty and recovery of expenses incurred. |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to recover expenses incurred as a result of an offence against the Bush Fires Act, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Town of Bassendean or those on behalf of the Town of Bassendean to do [s 58]. |
| Council Conditions on this Delegation: | ▪ Nil |
| Express Power to Sub-Delegate: | ▪ Sub-delegation is prohibited by s 48(3). |
| Compliance Links: | |
| Record Keeping: | ▪ Delegations exercised are to be recorded in the Town's document management system. |

3. Bush Fires Act 1954 Delegations

3.1.11 Prosecution of Offences

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|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> ▪ s 48 Delegation by local government |
| Express Power or Duty Delegated: | <i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> ▪ s 59 Prosecution of offences. |
| Delegate: | Chief Executive Officer Manager Development and Place |
| Function: | 1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s 59]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ Nil |
| Express Power to Sub-Delegate: | <ul style="list-style-type: none"> ▪ Sub-delegation is prohibited by s 48(3). |
| Compliance Links: | <i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> ▪ s 65 Proof of certain matters. ▪ s 66 Proof of ownership or occupancy. |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

3. Bush Fires Act 1954 Delegations

3.1.12 Alternative Procedure – Infringement Notices

| | |
|---|--|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Bush Fires Act 1954:</i> ▪ s 48 Delegation by local government |
| Express Power or Duty Delegated: | <i>Bush Fires Act 1954:</i> ▪ s 59A(2) Alternative procedure – infringement notices. |
| Delegate: | Senior Ranger Ranger |
| Function: | 1. Authority to serve an infringement notice for an offence against this Act [s 59A(2)]. |
| Council Conditions on this Delegation: | ▪ Nil. |
| Express Power to Sub-Delegate: | ▪ Sub-delegation is prohibited by s 48(3). |
| Compliance Links: | <i>Bush Fires Act 1954:</i> ▪ s 65 Proof of certain matters. ▪ s 66 Proof of ownership or occupancy. |
| Record Keeping: | ▪ Delegations exercised are to be recorded in the Town's document management system. |

3. Bush Fires Act 1954 Delegations

3.1.13 Withdrawal of Infringement Notices

| | |
|---|--|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Bush Fires Act 1954:</i> ▪ s 48 Delegation by local government |
| Express Power or Duty Delegated: | <i>Bush Fires Act 1954:</i> ▪ s 59A(5) Alternative procedure – infringement notices. |
| Delegate: | Chief Executive Officer Manager Development and Place |
| Function: | 1. Authority to withdraw an infringement notice for an offence against this Act [s 59A(5)]. |
| Council Conditions on this Delegation: | ▪ Nil |
| Express Power to Sub-Delegate: | ▪ Sub-delegation is prohibited by s 48(3). |
| Compliance Links: | <i>Bush Fires Act 1954:</i> ▪ s 65 Proof of certain matters. ▪ s 66 Proof of ownership or occupancy. |
| Record Keeping: | ▪ Delegations exercised are to be recorded in the Town's document management system. |

4. Cat Act 2011 Delegations

4 Cat Act 2011 Delegations

4.1 Council to CEO

4.1.1 Cat Registrations

| | |
|---|--|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Cat Act 2011:</i> <ul style="list-style-type: none"> s 44 Delegation by local government. |
| Express Power or Duty Delegated: | <i>Cat Act 2011:</i> <ul style="list-style-type: none"> s 9 Registration. s 10 Cancellation of registration. s 11 Registration numbers, certificates and tags. s 12 Register of Cats. s 13 Notice of certain decisions made under this subdivision. <i>Cat Regulations 2012</i> <ul style="list-style-type: none"> Schedule 3, cl 1(4) Fees Payable. |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s 9(1)]. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s 9(6)]. Authority to cancel a cat registration [s 10]. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s 11(2)]. Authority to keep a Register of Cats [s 12]. Authority to give notice of certain decisions to a cat owner [s 13]. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Town of Bassendean [Regulations Schedule 3 cl 1(4)]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i>. |
| Express Power to Sub-Delegate: | <i>Cat Act 2011:</i> <ul style="list-style-type: none"> s 45 Delegation by CEO of local government. |
| Sub-Delegate/s | <ul style="list-style-type: none"> Director Community Planning Manager Development and Place Senior Ranger Ranger |
| CEO Conditions on this Sub-Delegation: | <ul style="list-style-type: none"> Ranger not to exercise powers under s 13. Conditions on the CEO delegation also apply to the sub-delegation. |

4. Cat Act 2011 Delegations

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|-------------------|---|
| | |
| Compliance Links: | <p><i>Cat Regulations 2012</i></p> <ul style="list-style-type: none"> ▪ reg 11 Application for registration (s 8(2)), prescribes the Form of applications for registration. ▪ reg 12 Period of registration (s 9(7)). ▪ reg 11 Changes in registration. ▪ reg 14 Registration certificate (s 11(1)(b)). ▪ reg 15 Registration tags (s 76(2)). ▪ Decisions are subject to Objection and Review by the State Administrative Tribunal rights – refer Part 4, Division 5 of the <i>Cat Act 2011</i>. ▪ <i>Cats Local Law 2021</i>. |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

4. Cat Act 2011 Delegations

4.1.2 Cat Control Notices

| | |
|---|--|
| Delegator: | Local Government |
| Express Power to Delegate | <i>Cat Act 2011:</i> <ul style="list-style-type: none"> s 44 Delegation by local government. |
| Express Power or Duty Delegated: | <i>Cat Act 2011:</i> <ul style="list-style-type: none"> s 26 Cat control notice may be given to cat owner. |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Town of Bassendean [s 26]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> Nil |
| Express Power to Sub-Delegate: | <i>Cat Act 2011:</i> <ul style="list-style-type: none"> s 45 Delegation by CEO of local government |
| Sub-Delegate/s: | <ul style="list-style-type: none"> Senior Ranger Ranger |
| CEO Conditions on this Sub-Delegation: | Nil. |
| Compliance Links: | <ul style="list-style-type: none"> <i>Cat Regulations 2012</i> – reg 20 Cat control notice [s 23(3)], prescribes the Form of the notice. <i>Cats Local Law 2021</i>. |
| Record Keeping: | <ul style="list-style-type: none"> Delegations exercised are to be recorded in the Town's document management system. |

4. Cat Act 2011 Delegations

4.1.3 Approval to Breed Cats

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Cat Act 2011:</i> <ul style="list-style-type: none"> ▪ s 44 Delegation by local government. |
| Express Power or Duty Delegated: | <i>Cat Act 2011:</i> <ul style="list-style-type: none"> ▪ s 37 Approval to Breed Cats. ▪ s 38 Cancellation of approval to breed cats. ▪ s 39 Certificate to be given to approved cat breeder. ▪ s 40 Notice to be given of certain decisions made under this subsection. |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s 37(1) and (2)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s 37(4)]. 3. Authority to cancel an approval to breed cats [s 38]. 4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s 39(2)]. 5. Authority to give notice of certain decisions made under this subdivision to a cat owner. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i>. |
| Express Power to Sub-Delegate: | <i>Cat Act 2011:</i> <ul style="list-style-type: none"> ▪ s 45 Delegation by CEO of local government |
| Sub-Delegate/s: | <ul style="list-style-type: none"> ▪ Director Community Planning ▪ Manager Development and Place ▪ Senior Ranger |
| CEO Conditions on this Sub-Delegation: | Conditions on the CEO delegation also apply to the sub-delegation. |
| Compliance Links: | <i>Cat Regulations 2012:</i> <ul style="list-style-type: none"> ▪ reg 21 Application for approval to breed cats (s 36(2)). ▪ reg 22 Other circumstances leading to refusal of approval to breed cats (s 37(2)(f)). ▪ reg 23 Person who may not be refused approval to breed cats (s.37(5)). ▪ reg 24 Duration of approval to breed cats (s 37(6)). ▪ reg 25 Certificate given to approved cat breeder (s 39(1)). ▪ <i>Cats Local Law 2021</i>. |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

4. Cat Act 2011 Delegations

4.1.4 Appoint Authorised Persons (Revoked due to Act Amendment 7/11/2020)

4. Cat Act 2011 Delegations

4.1.5 Recovery of Costs – Destruction of Cats

| | |
|---|--|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Cat Act 2011:</i> ▪ s 44 Delegation by local government |
| Express Power or Duty Delegated: | <i>Cat Act 2011:</i> ▪ s 49(3) Authorised person may cause cat to be destroyed. |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s 49(3)]. |
| Council Conditions on this Delegation: | ▪ Nil |
| Express Power to Sub-Delegate: | <i>Cat Act 2011:</i> ▪ s 45 Delegation by CEO of local government |
| Sub-Delegate/s: | ▪ Director Community Planning ▪ Manager Development and Place |
| CEO Conditions on this Sub-Delegation: | Conditions on the CEO delegation also apply to the sub-delegation. |
| Compliance Links: | ▪ <i>Cats Local Law 2021.</i> |
| Record Keeping: | ▪ Delegations exercised are to be recorded in the Town's document management system. |

4. Cat Act 2011 Delegations

4.1.6 Applications to Keep Additional Cats

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Cat Act 2011:</i> <ul style="list-style-type: none"> s 44 Delegation by local government. |
| Express Power or Duty Delegated: | <i>Cat (Uniform Local Provisions) Regulations 2013:</i> <ul style="list-style-type: none"> reg 8 Application to keep additional number of cats reg 9 Grant of approval to keep additional number of cats |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. Authority to require any document or additional information required to determine an application [reg 8(3)]. 2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [reg 8(4)]. 3. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [reg 9]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> Nil |
| Express Power to Sub-Delegate: | <i>Cat Act 2011:</i> <ul style="list-style-type: none"> s 45 Delegation by CEO of local government. |
| Sub-Delegate/s: | <ul style="list-style-type: none"> Director Community Planning Manager Development and Place Senior Ranger |
| CEO Conditions on this Sub-Delegation: | Conditions on the CEO delegation also apply to the sub-delegation. |
| Compliance Links: | <ul style="list-style-type: none"> <i>Cats Local Law 2021.</i> |
| Record Keeping: | <ul style="list-style-type: none"> Delegations exercised are to be recorded in the Town's document management system. |

4. Cat Act 2011 Delegations

4.1.7 Reduce or Waiver Registration Fee

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|---|--|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Cat Act 2011:</i> <ul style="list-style-type: none"> ▪ s 44 Delegation by local government. |
| Express Power or Duty Delegated: | <i>Cat Regulations 2012:</i> <ul style="list-style-type: none"> ▪ Schedule 3 Fees clause 1(4). |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) of the <i>Cat Regulations 2012</i> in respect to any individual cat or class of cat. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ This delegation does not provide authority to determine to reduce or waiver the fees payable in regard to any class of cat within the District. This matter requires a Council decision in accordance with s. 6.16, s. 6.17 and s. 6.18 of the <i>Local Government Act 1995</i>. |
| Express Power to Sub-Delegate: | <i>Cat Act 2011:</i> <ul style="list-style-type: none"> ▪ s 45 Delegation by CEO of local government |
| Sub-Delegate/s: | <ul style="list-style-type: none"> ▪ Director Community Planning ▪ Manager Development and Place |
| CEO Conditions on this Sub-Delegation: | Delegates exercising this delegation require the authorisation of two delegates, one of whom must be the Manager Development and Place. |
| Compliance Links: | <ul style="list-style-type: none"> ▪ <i>Cats Local Law 2021</i>. |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

4. Cat Act 2011 Delegations

4.2 Cat Act Delegations - CEO to Employees

4.2.1 Infringement Notices – Extensions and Withdrawals

| | |
|---|--|
| Delegator: | Chief Executive Officer |
| Express Power to Delegate: | <i>Cat Act 2011:</i> ▪ s 45 Delegation by CEO of local government. |
| Express Power or Duty Delegated: | <i>Cat Act 2011:</i> ▪ s 64 Extension of time. ▪ s 65 Withdrawal of notice. |
| Delegate/s: | ▪ Director Community Planning ▪ Manager Development and Place |
| Function: | 1. Authority to extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed [s 64]. 2. Authority, within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s 65]. |
| CEO Conditions on this Delegation: | ▪ Delegates exercising this delegation require the authorisation of two delegates, one of whom must be the Manager Development and Place or Senior Ranger. ▪ The delegate authorised to issue the infringement cannot be the same delegate authorised to withdraw the infringement. |
| Express Power to Sub-Delegate: | ▪ Nil |
| Compliance Links: | <i>Cat Regulations 2012:</i> ▪ reg 28 Withdrawal of infringement notice (s 65(1)). ▪ <i>Cats Local Law 2021.</i> |
| Record Keeping: | ▪ Delegations exercised are to be recorded in the Town's document management system. |

5. Dog Act 1976 Delegations

5 Dog Act 1976 Delegations

5.1 Dog Act Delegations Council to CEO

5.1.1 Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Dog Act 1976:</i> <ul style="list-style-type: none"> ▪ s 10AA Delegation of local government powers and duties. |
| Express Power or Duty Delegated: | <i>Dog Act 1976:</i> <ul style="list-style-type: none"> ▪ s 10A Payments to veterinary surgeons towards costs of sterilisation. |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. Authority to determine where a resident who is the owner of a registered dog, would suffer hardship in paying the whole of the cost of sterilisation and determine to pay part of such costs to a maximum value of \$200.00 [s 10A(1)(a) and (3)]. 2. Authority to give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation [s 10A(1)(b) and (2)]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. |
| Express Power to Sub-Delegate: | <i>Dog Act 1976:</i> <ul style="list-style-type: none"> ▪ s 10AA(3) Delegation of local government powers and duties. |
| Sub-Delegate/s: | <ul style="list-style-type: none"> ▪ Director Community Planning ▪ Manager Development and Place ▪ Senior Ranger |
| CEO Conditions on this Sub-Delegation: | Delegates exercising this designation must confer with the Manager Finance to obtain relevant information about the subject resident. |
| Compliance Links: | <ul style="list-style-type: none"> ▪ <i>Dog Local Law 2019</i> |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

5. Dog Act 1976 Delegations

5.1.2 Refuse or Cancel Registration

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|---|--|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Dog Act 1976:</i> <ul style="list-style-type: none"> ▪ s 10AA Delegation of local government powers and duties. |
| Express Power or Duty Delegated: | <i>Dog Act 1976:</i> <ul style="list-style-type: none"> ▪ s 15(2) and s 15(4A) Registration periods and fees. ▪ s 16(3) Registration procedure. ▪ s 17A(2) If no application for registration made. ▪ s 17(4) and (6) Refusal or cancellation of registration. ▪ s 19 Refund of fee on cancellation. |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. Authority to determine to refuse a dog registration and refund the fee, if any [s 16(2)]. 2. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: <ol style="list-style-type: none"> (a) the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3 years in respect of 2 or more offences against this Act, the <i>Cat Act 2011</i> or the <i>Animal Welfare Act 2002</i>; or (b) the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease; or (c) the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept; or (d) the dog is required to be microchipped but is not microchipped; or (e) the dog is a dangerous dog [s 16(3) and s 17A(2)]. 3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Town [s 15(4A)]. 4. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant or owner has not applied to the State Administrative Tribunal for the decision to be reviewed [s 17(4)]. 5. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had been found in contravention of section 31, 32 or 33A and had not been claimed [s 17(6)]. 6. Authority to refund such amount as prescribed of the registration fee on cancellation of registration and return by an owner of the registration tag to the Town [s 19]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ The CEO may sub-delegate to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. |

5. Dog Act 1976 Delegations

| | |
|---|--|
| Express Power to Sub-Delegate: | <i>Dog Act 1976:</i> <ul style="list-style-type: none"> ▪ s 10AA(3) Delegation of local government powers and duties. |
| Sub-Delegate/s: | <ul style="list-style-type: none"> ▪ Director Community Planning ▪ Manager Development and Place ▪ Senior Ranger |
| CEO Conditions on this Sub-Delegation: | Conditions on the CEO delegation also apply to the sub-delegation. |
| Compliance Links: | <i>Dog Act 1976</i> <ul style="list-style-type: none"> ▪ s 17A If no application for registration made – procedure for giving notice of decision under s 16(3). ▪ Note: Decisions under this delegation may be referred for review by the State Administrative Tribunal – s 16A; s17(4); s 17(6). ▪ <i>Dog Local Law 2019</i> |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

5. Dog Act 1976 Delegations

5.1.3 Appoint Authorised Persons (Registration Officers) (Revoked due to Act Amendment 7/11/2020)

5. Dog Act 1976 Delegations

5.1.4 Recovery of Moneys Due Under this Act

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|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Dog Act 1976:</i> <ul style="list-style-type: none"> ▪ s 10AA Delegation of local government powers and duties. |
| Express Power or Duty Delegated: | <ul style="list-style-type: none"> ▪ <i>Dog Act 1976:</i>s 29(5) Power to seize dogs. |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. 2. Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s 29(5)]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in s 29(5) of this Delegation. ▪ |
| Express Power to Sub-Delegate: | <i>Dog Act 1976:</i> <ul style="list-style-type: none"> ▪ s 10AA(3) Delegation of local government powers and duties. |
| Sub-Delegate/s: | <ul style="list-style-type: none"> ▪ Director Community Planning ▪ Manager Development and Place ▪ Senior Ranger |
| CEO Conditions on this Sub-Delegation: | Conditions on the CEO delegation also apply to the sub-delegation. |
| Compliance Links: | <p>Includes recovery of expenses relevant to:</p> <ul style="list-style-type: none"> ▪ s 30A(3) Operator of dog management facility may have dog microchipped at owner's expense. ▪ s 33M Local government expenses to be recoverable. ▪ s 47 Veterinary service expenses recoverable from local government. ▪ reg 31 Local government expenses as to dangerous dogs (declared). ▪ <i>Dogs Local Law 2019.</i> |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

5. Dog Act 1976 Delegations

5.1.5 Dispose of or Sell Dogs Liable to be Destroyed

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Dog Act 1976:</i> <ul style="list-style-type: none"> ▪ s 10AA Delegation of local government powers and duties. |
| Express Power or Duty Delegated: | <i>Dog Act 1976:</i> <ul style="list-style-type: none"> ▪ s 29(11) Power to seize dogs. |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to dispose of or sell a dog which is liable to be destroyed [s 29(11)]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. ▪ Proceeds from the sale of dogs are to be directed into the Municipal Fund. |
| Express Power to Sub-Delegate: | <i>Dog Act 1976:</i> <ul style="list-style-type: none"> ▪ s 10AA(3) Delegation of local government powers and duties. |
| Sub-Delegate/s: | <ul style="list-style-type: none"> ▪ Director Community Planning ▪ Manager Development and Place ▪ Senior Ranger |
| CEO Conditions on this Sub-Delegation: | <p>Conditions on the CEO delegation also apply to the sub-delegation.</p> <p>The exercise of this delegation requires the approval of two delegates, one of which must be either the Manager Development and Place or the Senior Ranger.</p> |
| Compliance Links: | <ul style="list-style-type: none"> ▪ <i>Dog Local Law 2019.</i> |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

5. Dog Act 1976 Delegations

5.1.6 Declare Dangerous Dog

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Dog Act 1976:</i> <ul style="list-style-type: none"> ▪ s 10AA Delegation of local government powers and duties. |
| Express Power or Duty Delegated: | <i>Dog Act 1976:</i> <ul style="list-style-type: none"> ▪ s 33E(1) Individual dog may be declared to be dangerous dog (declared). |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to declare an individual dog to be a dangerous dog [s 33E(1)]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. |
| Express Power to Sub-Delegate: | <i>Dog Act 1976:</i> <ul style="list-style-type: none"> ▪ S 10AA(3) Delegation of local government powers and duties. |
| Sub-Delegate/s: | <ul style="list-style-type: none"> ▪ Director Community Planning ▪ Manager Development and Place ▪ Senior Ranger |
| CEO Conditions on this Sub-Delegation: | <p>Conditions on the CEO delegation also apply to the sub-delegation.</p> <p>The exercise of this delegation requires the approval of two delegates, one of which must be the either the Manager Development and Place or the Senior Ranger.</p> |
| Compliance Links: | <ul style="list-style-type: none"> ▪ Note – Decisions under this delegation may be referred for review by the State Administrative Tribunal. ▪ <i>Dog Local Law 2019.</i> |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

5. Dog Act 1976 Delegations

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

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Dog Act 1976:</i> <ul style="list-style-type: none"> ▪ s 10AA Delegation of local government powers and duties. |
| Express Power or Duty Delegated: | <i>Dog Act 1976:</i> <ul style="list-style-type: none"> ▪ s 33F(6) Owners to be notified of making of declaration ▪ s 33G(4) Seizure and destruction. ▪ s 33H(1), (2) and (5) Local government may revoke declaration or proposal to destroy. |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s 33F(6)]. 2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s 33G(4)]. 3. Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s 33H(1)]. 4. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s 33H(2)]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. ▪ Delegation of the s 33F power to deal with an objection to a dangerous dog declaration should not be delegated to the same person or position who is authorised to exercise s 33E powers enabling the declaration of a dangerous dog. |
| Express Power to Sub-Delegate: | <i>Dog Act 1976:</i> s 10AA(3) Delegation of local government powers and duties. |
| Sub-Delegate/s: | <ul style="list-style-type: none"> ▪ Director Community Planning ▪ Manager Development and Place |
| CEO Conditions on this Sub-Delegation: | Conditions on the CEO delegation also apply to the sub-delegation. |
| Compliance Links: | <ul style="list-style-type: none"> ▪ Decisions under this delegation may be referred for review by the State Administrative Tribunal. ▪ <i>Dog Local Law 2019.</i> |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

5. Dog Act 1976 Delegations

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

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Dog Act 1976:</i> <ul style="list-style-type: none"> ▪ s 10AA Delegation of local government powers and duties. |
| Express Power or Duty Delegated: | <i>Dog Act 1976:</i> <ul style="list-style-type: none"> ▪ s 33H(5) Local government may revoke declaration or proposal to destroy. |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s 33H(5)]: <ul style="list-style-type: none"> (a) a notice declaring a dog to be dangerous; or (b) a notice proposing to cause a dog to be destroyed. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. ▪ Delegation of the s 33H(5) power to deal with an objection should not be delegated to the same person or position authorised to exercise s 33H(1) or s 33H(2). |
| Express Power to Sub-Delegate: | <i>Dog Act 1976:</i> <ul style="list-style-type: none"> ▪ s 10AA(3) Delegation of local government powers and duties. |
| Sub-Delegate/s: | <ul style="list-style-type: none"> ▪ Director Community Planning ▪ Manager Development and Place ▪ Senior Ranger |
| CEO Conditions on this Sub-Delegation: | Conditions on the CEO delegation also apply to the sub-delegation. |
| Compliance Links: | <ul style="list-style-type: none"> ▪ Note – Decisions under this delegation may be referred for review by the State Administrative Tribunal. ▪ <i>Dog Local Law 2019.</i> |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

5. Dog Act 1976 Delegations

5.1.9 Determine Recoverable Expenses for Dangerous Dog Declaration

| | |
|---|--|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Dog Act 1976:</i> <ul style="list-style-type: none"> ▪ s 10AA Delegation of local government powers and duties |
| Express Power or Duty Delegated: | <i>Dog Act 1976:</i> <ul style="list-style-type: none"> ▪ s 33M(1)(a) Local Government expenses to be recoverable. |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s 15, up to any maximum amount prescribed, having regard to the expenses incurred by the Town of Bassendean in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s 33H(5)]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ The Chief Executive Officer may sub-delegate to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. ▪ Delegation does not include s 33M(1)(b) as the setting of a fixed fee should occur by Council resolution in accordance with s 6.16 Imposition of fees and charges, <i>Local Government Act 1995</i>. |
| Express Power to Sub-Delegate: | <i>Dog Act 1976:</i> <ul style="list-style-type: none"> ▪ s 10AA(3) Delegation of local government powers and duties. |
| Sub-Delegate/s: | <ul style="list-style-type: none"> ▪ Director Community Planning ▪ Manager Development and Place |
| CEO Conditions on this Sub-Delegation: | Conditions on the CEO delegation also apply to the sub-delegation. |
| Compliance Links: | <ul style="list-style-type: none"> ▪ Decisions under this delegation may be referred for review by the State Administrative Tribunal. ▪ <i>Dog Local Law 2019</i>. |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

5. Dog Act 1976 Delegations

5.1.10 Grant an Exemption to Keep More than Two Dogs

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|---|--|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Dog Act 1976:</i> ▪ s 10AA Delegation by local government. |
| Express Power or Duty Delegated: | <i>Dog Act 1976 s. 26(3)</i> ▪ Grant of exemption to keep more than two dogs over the age of three months at a premise. |
| Delegate: | Chief Executive Officer |
| Function: | 1. The authority to grant an exemption for the keeping of dogs at a premise where a kennel licence is not required and the number of dogs exceeds two as specified in the <i>Dogs Local Law 2019</i> and apply conditions to the exemption. |
| Council Conditions on this Delegation: | <p>(1) An exemption may only be granted where the premises comply in all respects with the provisions of the Act and Local Law.</p> <p>(2) Prior to determining the application for an exemption, all adjoining neighbours are required to be consulted and provided opportunity to make written submission on the application. Documentation of the consultation to be recorded in the Town's document management system.</p> <p>(3) This delegation is not to be exercised where:</p> <ul style="list-style-type: none"> • an applicant requests in writing that Council determine the application. • one or more objections are received which, in the opinion of the delegated officer, raise genuine amenity concerns with the proposed exemption. • the applications involves the keeping of more than 3 dogs that have reached 3 months of age; and/or • the applications involves the keeping of a dog under the age of three months unless it is a pup of a dog whose keeping is authorised by the exemption. <p>(4) The granting of an exemption is to include the following conditions:</p> <ul style="list-style-type: none"> • Any approval issued by the delegator to the applicant is not transferable or assignable either to any other occupier of the premises or to any other premises within the District. • The exemption may be revoked or varied at any time. |
| Express Power to Sub-Delegate: | <i>Dog Act 1976:</i> ▪ s 10AA Delegation by CEO of local government. |
| Sub-Delegate/s: | <ul style="list-style-type: none"> ▪ Director Community Planning ▪ Manager Development and Place |

5. Dog Act 1976 Delegations

| | |
|---|--|
| | <ul style="list-style-type: none"> ▪ Senior Ranger |
| CEO Conditions on this Sub-Delegation: | Conditions on the CEO delegation also apply to the sub-delegation. |
| Compliance Links: | <p><i>Dogs Local Law 2019</i> <i>Dog Act 1976</i></p> <p>Decisions under this delegation may be referred for review by the State Administrative Tribunal</p> |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

6. Food Act 2008 Delegations

6 Food Act 2008 Delegations

6.1 Council to CEO

6.1.1 Determine Compensation

| | |
|---|--|
| Delegator: | Local Government (s 8 defined as 'enforcement agency') |
| Express Power to Delegate: | <p><i>Food Act 2008:</i></p> <ul style="list-style-type: none"> ▪ s 118 Functions of enforcement agencies and delegation. ▪ s 118 (2)(b) Enforcement agency may delegate a function conferred on it. ▪ s 118(3) Delegation subject to conditions [s 119] and guidelines adopted [s 120]. ▪ s 118(4) Sub-delegation permissible only if expressly provided in regulations. |
| Express Power or Duty Delegated: | <p><i>Food Act 2008:</i></p> <ul style="list-style-type: none"> ▪ s 56(2) Compensation to be paid in certain circumstances. ▪ s 70(2) and (3) Compensation. |
| Delegate: | <ul style="list-style-type: none"> ▪ Chief Executive Officer ▪ Director Community Planning ▪ Manager Development and Place ▪ Senior Environmental Health Officer |
| Function: | <ol style="list-style-type: none"> 1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s 56(2)]. 2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s 70(2); 70(3)]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ In accordance with s 118(3)(b), this delegation is subject to relevant Department of Health Chief Executive Officer Guidelines, as amended from time to time. |
| Express Power to Sub-Delegate: | <ul style="list-style-type: none"> ▪ <i>Food Regulations 2009</i> do not provide for sub-delegation. |
| Compliance Links: | <ul style="list-style-type: none"> ▪ Note – Decisions under this delegation may be referred for review by the State Administrative Tribunal. |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

6. Food Act 2008 Delegations

6.1.2 Prohibition Orders

| | |
|---|--|
| Delegator: | Local Government |
| Express Power to Delegate: | <p><i>Food Act 2008:</i></p> <ul style="list-style-type: none"> ▪ s 118 Functions of enforcement agencies and delegation. ▪ s 118 (2)(b) Enforcement agency may delegate a function conferred on it. ▪ s 118(3) Delegation subject to conditions [s 119] and guidelines adopted [s 120]. ▪ s 118(4) Sub-delegation permissible only if expressly provided in regulations. |
| Express Power or Duty Delegated: | <p><i>Food Act 2008:</i></p> <ul style="list-style-type: none"> ▪ s 65(1) Prohibition orders. ▪ s 66 Certificate of clearance to be given in certain circumstances. ▪ s 67(4) Request for re-inspection. |
| Delegate: | <ul style="list-style-type: none"> ▪ Chief Executive Officer ▪ Manager Development and Place ▪ Senior Environmental Health Officer ▪ Environmental Health Officer |
| Function: | <ol style="list-style-type: none"> 1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s 65 of the <i>Food Act 2008</i> [s 65(1)]. 2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s 66]. 3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s 67(4)]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ In accordance with s 118(3)(b), this delegation is subject to relevant Department of Health Chief Executive Officer Guidelines, as amended from time to time. |
| Express Power to Sub-Delegate: | <ul style="list-style-type: none"> ▪ <i>Food Regulations 2009</i> do not provide for sub-delegation. |
| Compliance Links: | <ul style="list-style-type: none"> ▪ Note – Decisions under this delegation may be referred for review by the State Administrative Tribunal. |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

6. Food Act 2008 Delegations

6.1.3 Food Business Registrations

| | |
|---|--|
| Delegator: | Local Government |
| Express Power to Delegate: | <p><i>Food Act 2008:</i></p> <ul style="list-style-type: none"> ▪ s 118 Functions of enforcement agencies and delegation. ▪ s 118 (2)(b) Enforcement agency (local government s 8) may delegate a function conferred on it. ▪ s 118(3) Delegation subject to conditions [s 119] and guidelines adopted [s 120]. ▪ s 118(4) Sub-delegation permissible only if expressly provided in regulations. |
| Express Power or Duty Delegated: | <p><i>Food Act 2008:</i></p> <ul style="list-style-type: none"> ▪ s 110(1) and s 110(5) Registration of food business. ▪ s 112 Variation of conditions or cancellation of registration of food businesses. |
| Delegate: | <ul style="list-style-type: none"> ▪ Chief Executive Officer ▪ Manager Development and Place ▪ Senior Environmental Health Officer ▪ Environmental Health Officer |
| Function: | <ol style="list-style-type: none"> 1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s 110(1) and s 110(5)]. 2. Authority to vary the conditions or cancel the registration of a food business [s 112]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ Nil |
| Express Power to Sub-Delegate: | <ul style="list-style-type: none"> ▪ Nil – <i>Food Regulations 2009</i> do not provide for sub-delegation. |
| Compliance Links: | <ul style="list-style-type: none"> ▪ Note – Decisions under this delegation may be referred for review by the State Administrative Tribunal. ▪ The Australia and New Zealand Food Authority: Priority Classification System for Food Businesses. ▪ Department of Health, WA Food Regulation: Food Business Risk Profiling – Guidance to the classification of food businesses, |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

6. Food Act 2008 Delegations

6.1.4 Appoint Authorised Officers and Designated Officers

| | |
|---|--|
| Delegator: | Local Government |
| Express Power to Delegate: | <p><i>Food Act 2008:</i></p> <ul style="list-style-type: none"> ▪ s 118 Functions of enforcement agencies and delegation. ▪ s 118 (2)(b) Enforcement agency may delegate a function conferred on it. ▪ s 118(3) Delegation subject to conditions [s 119] and guidelines adopted [s 120]. ▪ s 118(4) Sub-delegation permissible only if expressly provided in regulations. |
| Express Power or Duty Delegated: | <p><i>Food Act 2008:</i></p> <ul style="list-style-type: none"> ▪ s 122(1) Appointment of authorised officers ▪ s 126(6), (7) and (13) Infringement Officers |
| Delegate: | <ul style="list-style-type: none"> ▪ Chief Executive Officer ▪ Director Community Planning ▪ Manager Development and Place |
| Function: | <ol style="list-style-type: none"> 1. Authority to appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i> [s 122(2)]. 2. Authority to appoint an Authorised Officer appointed under s 122(2) of this Act or s 24(1) of the <i>Public Health Act 2016</i>, to be a Designated Officer for the purposes of issuing Infringement Notices under the <i>Food Act 2008</i> [s 126(13)]. 3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s 126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s 126(6)] and determining withdrawal of an infringement notice [s 126(7)]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ Nil |
| Express Power to Sub-Delegate: | <ul style="list-style-type: none"> ▪ Nil – <i>Food Regulations 2009</i> do not provide for sub-delegation. |
| Compliance Links: | <ul style="list-style-type: none"> ▪ s 122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers. ▪ s 123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed. |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

6. Food Act 2008 Delegations

6.1.5 Debt Recovery and Prosecutions

| | |
|---|--|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Food Act 2008:</i> <ul style="list-style-type: none"> ▪ s 118 Functions of enforcement agencies and delegation. ▪ s 118 (2)(b) Enforcement agency may delegate a function conferred on it. ▪ s 118(3) Delegation subject to conditions [s 119] and guidelines adopted [s 120]. ▪ s 118(4) Sub-delegation permissible only if expressly provided in regulations. |
| Express Power or Duty Delegated: | <i>Food Act 2008:</i> <ul style="list-style-type: none"> ▪ s 54 Cost of destruction or disposal of forfeited item. ▪ s 125 Institution of proceedings. |
| Delegate: | <ul style="list-style-type: none"> ▪ Chief Executive Officer ▪ Director Community Planning ▪ Manager Development and Place ▪ Senior Environmental Health Officer |
| Function: | <ol style="list-style-type: none"> 1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s 54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s 54(3)]. 2. Authority to institute proceedings for an offence under the <i>Food Act 2008</i> [s 125]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ Exercise of the power under s 54 is confined to the Chief Executive Officer and the Manager Development and Place. ▪ In accordance with s 118(3)(b), this delegation is subject to relevant Department of Health Chief Executive Officer Guidelines, as amended from time to time. |
| Express Power to Sub-Delegate: | <ul style="list-style-type: none"> ▪ <i>Food Regulations 2009</i> do not provide for sub-delegation. |
| Compliance Links: | <ul style="list-style-type: none"> ▪ s 143(1) publication of names of offenders (by the Department of Health CEO). |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

6. Food Act 2008 Delegations

6.1.6 Food Businesses List – Public Access

| | |
|---|---|
| Delegator: | Local Government (s 8 defined as ‘enforcement agency’) |
| Express Power to Delegate: | <i>Food Act 2008:</i> <ul style="list-style-type: none"> ▪ s 118 Functions of enforcement agencies and delegation. ▪ s 118 (2)(b) Enforcement agency may delegate a function conferred on it. ▪ s 118 Delegation subject to conditions [s 119] and guidelines adopted [s 120]. ▪ s 118(4) Sub-delegation permissible only if expressly provided in regulations. |
| Express Power or Duty Delegated: | <i>Food Regulations 2009:</i> <ul style="list-style-type: none"> ▪ reg 51 Enforcement agency may make list of food businesses publicly available. |
| Delegate: | <ul style="list-style-type: none"> ▪ Chief Executive Officer ▪ Manager Development and Place ▪ Senior Environmental Health Officer ▪ Environmental Health Officer |
| Function: | 1. Authority to decide to make a list of food businesses maintained under s 115(a) or s 115(b) publicly available [reg 51]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ In accordance with s 118(3)(b), this delegation is subject to relevant Department of Health Chief Executive Officer Guidelines, as amended from time to time. |
| Express Power to Sub-Delegate: | <ul style="list-style-type: none"> ▪ NIL – <i>Food Regulations 2009</i> do not provide for sub-delegation. |
| Compliance Links: | <ul style="list-style-type: none"> ▪ Department of Health Chief Executive Officer Guidelines as amended from time to time. |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town’s document management system. |

7. Graffiti Vandalism Act 2016 Delegations

7 Graffiti Vandalism Act 2016 Delegations

7.1 Council to CEO

7.1.1 Give Notice Requiring Obliteration of Graffiti

| | |
|---|--|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> ▪ s 16 Delegation by local government. |
| Express Power or Duty Delegated: | <i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> ▪ s 18(2) Notice requiring removal of graffiti. ▪ s 19(3) and s 19(4) Additional powers when notice is given. |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s 18(2)]. 2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s 19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s 19(4)]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ Nil |
| Express Power to Sub-Delegate: | <i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> ▪ s 17 Delegation by CEO of local government. |
| Sub-Delegate/s: | <ul style="list-style-type: none"> ▪ Director Community Planning ▪ Manager Development and Place ▪ Senior Ranger ▪ Ranger |
| CEO Conditions on this Sub-Delegation: | <ul style="list-style-type: none"> ▪ Nil. |
| Compliance Links: | <ul style="list-style-type: none"> ▪ Decisions under this delegation may be referred for review by the State Administrative Tribunal |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

7. Graffiti Vandalism Act 2016 Delegations

7.1.2 Notices – Deal with Objections and Give Effect to Notices

| | |
|---|--|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Graffiti Vandalism Act 2016:</i> ▪ s 16 Delegation by local government |
| Express Power or Duty Delegated: | <i>Graffiti Vandalism Act 2016:</i> ▪ s 22(3) Objection may be lodged. ▪ s 24(1)(b) & (3) Suspension of effect of notice. |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to deal with an objection to a notice [s 22(3)]. 2. 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)]. |
| Council Conditions on this Delegation: | ▪ Nil |
| Express Power to Sub-Delegate: | <i>Graffiti Vandalism Act 2016:</i> ▪ s 17 Delegation by CEO of local government. |
| Sub-Delegate/s: | ▪ Director Community Planning ▪ Manager Development and Place ▪ Senior Ranger |
| CEO Conditions on this Sub-Delegation: | ▪ Nil. |
| Compliance Links: | ▪ Decisions under this delegation may be referred for review by the State Administrative Tribunal. |
| Record Keeping: | ▪ Delegations exercised are to be recorded in the Town's document management system. |

7. Graffiti Vandalism Act 2016 Delegations

7.1.3 Obliterate Graffiti on Private Property

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|---|--|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Graffiti Vandalism Act 2016:</i> ▪ s 16 Delegation by local government. |
| Express Power or Duty Delegated: | <i>Graffiti Vandalism Act 2016:</i> ▪ s 25(1) Local government graffiti powers on land not local government property. |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s 25(1)]. |
| Council Conditions on this Delegation: | ▪ Subject to exercising Powers of Entry under <i>Graffiti Vandalism Act 2016</i> . |
| Express Power to Sub-Delegate: | <i>Graffiti Vandalism Act 2016:</i> ▪ s 17 Delegation by CEO of local government. |
| Sub-Delegate/s: | ▪ Director Community Planning ▪ Manager Development and Place ▪ Senior Ranger |
| CEO Conditions on this Sub-Delegation: | Conditions on the CEO delegation also apply to the sub-delegation. |
| Compliance Links: | |
| Record Keeping: | ▪ Delegations exercised are to be recorded in the Town's document management system. |

7. Graffiti Vandalism Act 2016 Delegations

7.1.4 Powers of Entry

| | |
|---|--|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> ▪ s 16 Delegation by local government |
| Express Power or Duty Delegated: | <i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> ▪ s 28 Notice of entry. ▪ s 29 Entry under warrant. |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s 28]. 2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s 29]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ Nil |
| Express Power to Sub-Delegate: | <i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> ▪ s 17 Delegation by CEO of local government. |
| Sub-Delegate/s: | <ul style="list-style-type: none"> ▪ Director Community Planning ▪ Manager Development and Place ▪ Senior Ranger |
| CEO Conditions on this Sub-Delegation: | <ul style="list-style-type: none"> ▪ Nil. |
| Compliance Links: | |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

8. Public Health Act 2016 Delegations

8 Public Health Act 2016 Delegations

8.1.1 Designate Authorised Officers

| | |
|---|--|
| Delegator: | Enforcement Agency (means at s 4(1) a Local Government) |
| Express Power to Delegate: | <i>Public Health Act 2016:</i> <ul style="list-style-type: none"> s 21 Enforcement agency may delegate. |
| Express Power or Duty Delegated: | <i>Public Health Act 2016</i> <ul style="list-style-type: none"> s 24(1) and (3) Designation of authorised officers. |
| Delegate: | Chief Executive Officer |
| Function: | <p>Authority to designate a person or class of persons as authorised officers for the purposes of:</p> <ol style="list-style-type: none"> 1. The <i>Public Health Act 2016</i> or other specified Act. 2. Specified provisions of the <i>Public Health Act 2016</i> or another specified Act; 3. Provisions of the <i>Public Health Act 2016</i> or another specified Act, other than the specified provisions of that Act. <p>Including:</p> <ol style="list-style-type: none"> 4. an environmental health officer or environmental health officers as a class; or 5. a person who is not an environmental health officer or a class of persons who are not environmental health officers; or 6. a combination of the two [s 24(1) and s 24(3)]. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ This delegation is subject to each person so appointed being: <ul style="list-style-type: none"> ○ Appropriately qualified and experienced [s 25(1)(a)]; and ○ Issued with a certificate, badge or identity card identifying the authorised officer [s 30 and s 31]. ▪ A Register (list) of authorised officers is to be maintained in accordance with s 27. |
| Express Power to Sub-Delegate: | <ul style="list-style-type: none"> ▪ Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i>, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s 21(4)]. |
| Compliance Links: | <i>Public Health Act 2016</i> <ul style="list-style-type: none"> ▪ s 20 Conditions on performance of functions by enforcement agencies. ▪ s 25 Certain authorised officers required to have qualifications and experience. ▪ s 26 Further provisions relating to designations. ▪ s 27 Lists of authorised officers to be maintained. ▪ s 28 When designation as authorised officer ceases. ▪ s 29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers. ▪ s 30 Certificates of authority. ▪ s 31 Issuing and production of certificate of authority for purposes of other written laws. ▪ s 32 Certificate of authority to be returned. ▪ s 136 Authorised officer to produce evidence of authority. |

8. Public Health Act 2016 Delegations

| | |
|-----------------|---|
| | <ul style="list-style-type: none">▪ <i>Criminal Investigation Act 2006</i>, Parts 6 and 13 – refer s 245 of the <i>Public Health Act 2016</i>.▪ <i>The Criminal Code</i>, Chapter XXVI – refer s 252 of the <i>Public Health Act 2016</i>. |
| Record Keeping: | <ul style="list-style-type: none">▪ Delegations exercised are to be recorded in the Town's document management system. |

8. Public Health Act 2016 Delegations

8.1.2 Enforcement Agency Reports to the Chief Health Officer

| | |
|---|---|
| Delegator: | Enforcement Agency (means Local Government vide s.4 definition) |
| Express Power to Delegate: | <i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate |
| Express Power or Duty Delegated: | <i>Public Health Act 2016</i> s.22 Reports by and about enforcement agencies |
| Delegate: | Chief Executive Officer |
| Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i> | 1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Town of Bassendean [s.22(1)] 2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)]. |
| Council Conditions on this Delegation: | |
| Express Power to Sub-Delegate: | Nil. |
| Compliance Links: | <i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies. |
| Record Keeping: | Delegations exercised are to be recorded in the Town's document management system. |

8. Public Health Act 2016 Delegations

8.1.3 Determine Compensation for Seized Items

| | |
|---|---|
| Delegator: | Enforcement Agency (means Local Government vide s.4 definition) |
| Express Power to Delegate: | <i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate |
| Express Power or Duty Delegated: | <i>Public Health Act 2016</i> s.264 Compensation |
| Delegate: | Chief Executive Officer |
| Function: | 1. Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264]. |
| Council Conditions on this Delegation: | a. Compensation is limited to a maximum value of \$5,000, with any proposal for compensation above this value to be referred for Council's determination. |
| Express Power to Sub-Delegate: | Nil. |
| Compliance Links: | |
| Record Keeping: | Delegations exercised are to be recorded in the Town's document management system. |

9. Health (Asbestos) Regulations 1992

9 HEALTH (ASBESTOS REGULATIONS) 1992

9.1.1 Appoint Authorised Officer or Approved Officer

| | |
|---|--|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Health (Asbestos) Regulations 1992:</i> ▪ Reg 15D(7) Infringement Notices |
| Express Power or Duty Delegated: | <i>Health (Asbestos) Regulations 1992:</i> ▪ Reg 15D(5) Infringement Notices |
| Delegate: | Chief Executive Officer Senior Environmental Health Officer |
| Function: | 1. Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 [reg 15D(5)]. |
| Council Conditions on this Delegation: | Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [reg 15D(6)]. |
| Express Power to Sub-Delegate: | ▪ Nil – the <i>Health (Asbestos) Regulations 1992</i> do not provide a power to sub-delegate. |
| Compliance Links | ▪ <i>Criminal Procedure Act 2004</i> – Part 2 |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. ▪ Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file. ▪ A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record. |

10. Planning and Development Act 2005 Delegations

10 *Planning and Development Act 2005*

10. 1.1 Illegal Development

| | |
|---|--|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> ▪ s 5.42(b) Delegation of some powers or duties to the CEO. ▪ s 5.43 Limitations on delegations to the CEO. |
| Express Power or Duty Delegated: | <i>Planning and Development Act 2005:</i> <ul style="list-style-type: none"> ▪ Section 214 Illegal development, responsible authority's powers as to ss 214(2), 214(3) and 214(5). |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements; 2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> (a) remove, pull down, take up, or alter the development; and (b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority. 3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ Nil |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> ▪ s 5.44 CEO may delegate some powers and duties to other employees. |
| Sub-Delegate/s: | <ul style="list-style-type: none"> ▪ Director Community Planning ▪ Manager Development and Place |
| CEO Conditions on this Sub-Delegation: | <ul style="list-style-type: none"> ▪ Nil. |
| Compliance Links: | <ul style="list-style-type: none"> ▪ Part 13, <i>Planning and Development Act 2005</i>. |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

10. Planning and Development Act 2005 Delegations

10.1.2 Issue Written Notice – proposed road or waterways, drawings etc required

| | |
|---|--|
| Delegator: | Local Government |
| Express Power to Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> ▪ s 5.42(b) Delegation of some powers or duties to the CEO. ▪ s 5.43 Limitations on delegations to the CEO. |
| Express Power or Duty Delegated: | <i>Planning and Development Act 2005:</i> <ul style="list-style-type: none"> ▪ s 170(3) issue written notice to require a person subdividing land to do certain things. ▪ s 170(4)(b) issue written notice require a person subdividing land to amend certain things. |
| Delegate: | Chief Executive Officer |
| Function: | <ul style="list-style-type: none"> ▪ s 170(3)(a) issue written notice requiring person to amend the drawings or specifications or both; and ▪ comply with such further conditions. ▪ s 170(4) issue written notice requiring person to amend the drawings or specifications or both to satisfy s 169 minimum standards. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ Nil |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> ▪ s 5.44 CEO may delegate some powers and duties to other employees. |
| Sub-Delegate/s: | <ul style="list-style-type: none"> ▪ Director Community Planning ▪ Manager Development and Place |
| CEO Conditions on this Sub-Delegation: | <ul style="list-style-type: none"> ▪ Nil. |
| Compliance Links: | <ul style="list-style-type: none"> ▪ Part 13, <i>Planning and Development Act 2005</i>. ▪ s 169 Roads and waterways, minimum standards of construction for. |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

10. Planning and Development Act 2005 Delegations

10.1.3 Deemed Provisions for Local Planning Scheme

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|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> ▪ s 5.42(b) Delegation of some powers or duties to the CEO. ▪ s 5.43 Limitations on delegations to the CEO. <p><i>Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2, Part 9, Division 2:</i></p> <ul style="list-style-type: none"> ▪ cl 82 – Delegations by Local Government. |
| Express Power or Duty Delegated: | <p><i>Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2, Part 9, Division 2:</i></p> <ul style="list-style-type: none"> ▪ cl 68 – Determination of applications ▪ cl 70 – Form and date of determination ▪ cl 77 – Amending or cancelling applications. <p><i>Planning and Development (Development Assessment Panels) Regulations 2011:</i></p> <ul style="list-style-type: none"> ▪ Regulation 17A – Amendment or cancellation of development approval by responsible authority. |
| Delegate: | Chief Executive Officer |
| Function: | <p>To determine an application for development approval or an application to amend or cancel a development approval by -</p> <ul style="list-style-type: none"> ○ Granting approval, with or without conditions; or ○ refusing to grant approval. |
| Council Conditions on this Delegation: | <ul style="list-style-type: none"> ▪ This delegation is not to be exercised where: <ul style="list-style-type: none"> ○ an applicant requests in writing that Council determine the application. ○ the originating application on a proposal was considered and determined by Council, all subsequent applications on the same proposal are to be presented to Council for determination unless in the opinion of a delegated officer, it is of a minor or insignificant nature. ▪ Determinations are limited to the following matters only: <ul style="list-style-type: none"> ○ uses that are noted with a “P” in Table 1 of the Local Planning Scheme that are permitted as of right subject to compliance with the requirements of the Local Planning Scheme. ○ Uses that are shown as “D” or “A” in the zoning table of the Local Planning Scheme with the exception of the following Use Classes: <ul style="list-style-type: none"> ▪ Cinema or Theatre. ▪ Fast Food Outlet, unless the outlet is located inside a shopping centre. ▪ Hotel. ▪ Industry – Mining. ▪ Night Club. ▪ Restricted Premises. ▪ Tavern. |

10. Planning and Development Act 2005 Delegations

| | |
|---|--|
| | <ul style="list-style-type: none"> ○ Development of land where the requirements of the Local Planning Scheme, State Planning Policies and/or Local Planning Policies have been complied with. ○ Development of land where the requirements of the Local Planning Scheme, State Planning Policies and/or Local Planning Policies have not been complied with but where, in the opinion of the delegated officer: <ul style="list-style-type: none"> ▪ the proposal is consistent with the objectives of the Local Planning Scheme and relevant Policy; ▪ the proposal would not have a detrimental impact on the streetscape or any other property; or ▪ the variation is minor in nature; or ▪ the variation can be overcome by imposing a condition(s) on any development approval granted, or modifying the design of the development. ○ Where advertising of the application is required: <ul style="list-style-type: none"> ▪ consent, no objection or no response is received from those consulted; or ▪ in the opinion of the delegated officer, the proposal is consistent with the objectives and intent of the Local Planning Scheme and any Policy, as well as the principles of orderly and proper planning; or ▪ in the opinion of the delegated officer, the proposal is consistent with the objectives and intent of the Local Planning Scheme and any Policy; or ▪ any objection received can be overcome by imposing a condition(s) on any a development approval granted, or modifying the design of the development; or ▪ the objection does not relate to valid planning and development considerations associated with the proposal. ○ Additions to a Non-Conforming Use where no objection is received from adjoining landowners during consultation. ○ Telecommunications Infrastructure within commercial and industrial zones to a maximum height of thirty (30) metres. |
| Express Power to Sub-Delegate: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> ▪ s 5.44 CEO may delegate some powers and duties to other employees. <p><i>Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2, Part 9, Division 2:</i></p> <ul style="list-style-type: none"> ▪ cl 83 – Local Government CEO may delegate powers. |
| Sub-Delegate/s: | <ul style="list-style-type: none"> ▪ Director Community Planning ▪ Manager Development and Place ▪ Senior Planner |
| CEO Conditions on this Sub-Delegation: | Senior Planner |

10. Planning and Development Act 2005 Delegations

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|-------------------|--|
| | <p>This delegation does not apply to applications within Special Control Areas, on the Heritage List, in designated bushfire prone areas or in the floodway or flood fringe, and is applicable for approvals only.</p> <p>Determination for approval of the application types listed below, including where there are additions to existing approved developments:</p> <ul style="list-style-type: none"> - Outbuildings - Patios - Habitable additions - Ancillary Dwelling - Fences and retaining walls - Swimming pools and spas - Solar panels - Single Dwelling - Home Occupation - Carports - Non-habitable additions - Two grouped dwellings - Extension of development approvals for up to 2 years from the original expiry date. <p>Conditions on the CEO delegation also apply to the sub-delegation.</p> |
| Compliance Links: | <ul style="list-style-type: none"> ▪ Town of Bassendean Local Planning Policies. |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

10. Planning and Development Act 2005 Delegations

10.1.4 Other Matters

| | |
|---|---|
| Delegator: | Local Government |
| Express Power to Delegate: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> ▪ s 5.42(b) Delegation of some powers or duties to the CEO. ▪ s 5.43 Limitations on delegations to the CEO. |
| Express Power or Duty Delegated: | <p>See relevant provisions and clauses set out in functions below for:</p> <ul style="list-style-type: none"> ▪ <i>Planning and Development Act 2005</i> ▪ <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> ▪ <i>Local Town Planning Scheme 4A</i> ▪ <i>Local Town Planning Scheme 10</i> |
| Delegate: | Chief Executive Officer |
| Function: | <p>1. Structure Plans</p> <ul style="list-style-type: none"> (a) The determination under Clause 17(1) of the Deemed Provisions as to whether a structure plan complies with the requirements of Clause 16(1), or if further information is required before the structure plan can be accepted for assessment and advertising. (b) The advertising of a structure plan under Clause 18(2) of the Deemed Provisions. (c) The provision of advice and assistance to the Commission under Clause 23 of the Deemed Provisions. (d) The determination that advertising of an amendment to a structure plan is not required, where it is minor in nature, under Clause 29(3) of the Deemed Provisions. (e) The preparation of a report and recommendation on an amendment to a structure plan, under Clause 20 of the Deemed Provisions, where it is determined that the amendment is minor in nature and advertising is not required. <p>2. Activity Centre Plans</p> <ul style="list-style-type: none"> (a) The determination under Clause 33(1) of the Deemed Provisions as to whether an activity centre structure plan complies with the requirements of Regulation 32(1), or if further information is required before the structure plan can be accepted for assessment and advertising. (b) The advertising of an activity centre structure plan under Clause 34(2) of the Deemed Provisions. (c) The provision of advice and assistance to the Commission under Clause 39 of the Deemed Provisions. (d) The determination that advertising of an amendment to a structure plan is not required, where it is minor in nature, under Clause 45(3) of the Deemed Provisions. |

10. Planning and Development Act 2005 Delegations

| | |
|---|--|
| | <p>(e) The preparation of a report and recommendation on an amendment to an activity centre structure plan, under Clause 36, where it is determined that the amendment is minor in nature and advertising is not required.</p> <p>3. Local Development Plans</p> <p>(a) The determination not to advertise a Local Development Plan under Clause 50(3) of the Deemed Provisions.</p> <p>(b) The approval of a Local Development Plan with or without conditions under Clause 52(1)(a) of the Deemed Provisions.</p> <p>(c) The determination to require modifications to a Local Development Plan under a Clause 52(1)(b) of the Deemed Provisions.</p> <p>(d) The determination to amend an approved Local Development Plan under Clause 59(1) of the Deemed Provisions.</p> <p>(e) The refusal of a Local Development Plan under Clause 52(1)(c) of the Deemed Provisions.</p> <p>4. Heritage</p> <p>(a) The power under Clause 10 of the Deemed Provisions to enter into a Heritage Agreement with the owner or occupier of land or building to bind the land or affect the use of land or building.</p> <p>(b) The determination under Clause 11 of the Deemed Provisions to require a Heritage Assessment to be carried out prior to the approval of any development proposed in heritage area or a place on a heritage list.</p> <p>(c) The determination under Clause 12 (1-3) of the Deemed Provisions to vary site or development requirements, subject to undertaking public consultation to preserve the heritage values of a heritage area or a place on a heritage list or on the Register of Heritage Places.</p> <p>(d) The determination under Clause 13 (1-6) of the Deemed Provisions to consider a place on a heritage list is not being properly maintained and to give a person who is the owner or occupier of the heritage place a written notice requiring specified repairs to the heritage place, or extend or revoke a notice.</p> <p>5. Town Planning Scheme No. 4A</p> <p>The review of estimated costs, acceptance of a cost contribution, the lodgement and withdrawal of caveats and acquisition and disposal of land in accordance with clause 5.5.12.2.</p> |
| Council Conditions on this Delegation: | Nil. |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995:</i> |

10. Planning and Development Act 2005 Delegations

| | |
|---|--|
| | <ul style="list-style-type: none"> ▪ s 5.44 CEO may delegate some powers and duties to other employees. |
| Sub-Delegate/s: | <ul style="list-style-type: none"> • Director Community Planning • Manager Development and Place |
| CEO Conditions on this Sub-Delegation: | Conditions on the CEO delegation also apply to the sub-delegation. |
| Compliance Links: | |
| Record Keeping: | <ul style="list-style-type: none"> ▪ Delegations exercised are to be recorded in the Town's document management system. |

11. Statutory Delegations and Authorisations to Local Government from State Government

Environmental Protection Act 1986

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

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Environment

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No. 47. 19-Mar-2004
Page: 919 [Pdf](#) - 476kb

EV401

ENVIRONMENTAL PROTECTION ACT 1986
Section 20
Delegation No. 52

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

Powers and duties delegated—

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

Persons to whom delegation made—

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

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

Dated this 9th day of January 2004.

Approved—

FERDINAND TROMP, A/Chief Executive Officer.

Dr JUDY EDWARDS MLA, Minister for the Environment.

11. Statutory Delegations and Authorisations to Local Government from State Government

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

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Environment

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No. 232. 20-Dec-2013
Page: 6282 [Pdf](#) - 3Mb

EV402

ENVIRONMENTAL PROTECTION ACT 1986

Delegation No. 112

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

- (a) waste collection and other works--noise management plans relating to specified works under regulation 14A or 14B;
- (b) bellringing or amplified calls to worship--the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi);
- (c) community activities--noise control notices in respect of community noise under regulation 16;
- (d) motor sport venues--noise management plans in relation to motor sport venues under Part 2 Division 3;
- (e) shooting venues--noise management plans in relation to shooting venues under Part 2 Division 4;
- (f) calibration results--requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;
- (g) sporting, cultural and entertainment events--approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation--

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

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

Dated the 12th day of December 2013.

JASON BANKS, Acting Chief Executive Officer.

Approved by--

JOHN DAY, Acting Minister for Environment; Heritage.

11. Statutory Delegations and Authorisations to Local Government from State Government

Noise Management Plans – Construction Sites

Published by:
Environment

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No. 71. 16-May-2014
Page: 1548 [Pdf](#) - 2Mb

EV405

ENVIRONMENTAL PROTECTION ACT 1986

Delegation No. 119

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

- (a) Chief Executive Officer under the *Local Government Act 1995*; and
- (b) to any employee of the local government under the *Local Government Act 1995* who is appointed as an Authorised Person under section 87 of the Act,

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

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

Dated the 1st day of May 2014.

JASON BANKS, Acting Chief Executive Officer.

11. Statutory Delegations and Authorisations to Local Government from State Government

Planning and Development Act 2005

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

DoL FILE 1738/2002v8; 858/2001v9

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF AUTHORISATION

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

Dated the 2nd day of June 2016



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

11. Statutory Delegations and Authorisations to Local Government from State Government

SCHEDULE

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

| Column 1 | Column 2 | Column 3 |
|---|---|--|
| <p>The power to sign as owner in respect of Crown land that is:</p> <ul style="list-style-type: none"> a reserve managed by the local government pursuant to section 46 of the <i>Land Administration Act 1997</i> and the development is consistent with the reserve purpose and the development is not for a commercial purpose; or the land is a road of which the local government has the care, control and management under section 55(2) of the <i>Land Administration Act 1997</i> and where there is no balcony or other structure proposed to be constructed over that road unless that structure comes within the definition of a "minor encroachment" in the Building Regulations 2012 (Regulation 45A), or is an "awning, verandah or thing" (Regulation 45B), or is a ground anchor, and where the development is consistent with the use of the land as a road, <p>in respect of development applications being made under or referred to in:</p> <p>(i) section 99(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);</p> <p>(ii) section 103(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a local interim development order (as that term is defined in that Act);</p> <p>(iii) section 115 of the <i>Planning and Development Act 2005</i> in respect of development within a planning control area (as that term is defined in that Act);</p> <p>(iv) section 122A of the <i>Planning and Development Act 2005</i> in respect of which approval is required under an improvement scheme (as that term is defined in that Act);</p> <p>(v) section 162 of the <i>Planning and Development Act 2005</i> in respect of developments for which approval is required under a planning scheme or interim development order (as those terms are defined in that Act);</p> | <p>City of Albany City of Armadale Shire of Ashburton Shire of Augusta-Margaret River Town of Bassendean City of Bayswater City of Belmont Shire of Beverley Shire of Boddingdon Shire of Boyup Brook Shire of Bridgetown-Greenbushes Shire of Brooking Shire of Broome Shire of Broomehill-Tambellup Shire of Bruce Rock City of Bunbury Shire of Busselton Town of Cambridge City of Canning Shire of Capel Shire of Carnamah Shire of Carnarvon Shire of Chapman Valley Shire of Chittering Shire of Christmas Island Town of Claremont City of Cockburn Shire of Cocos (Keeling) Islands Shire of Collie Shire of Coolgardie Shire of Coorow Shire of Corigin Town of Cottesloe Shire of Cranbrook Shire of Duballing Shire of Cue Shire of Cunderdin Shire of Dalwallinu Shire of Dandaragan Shire of Dardanup Shire of Denmark Shire of Derby/West Kimberley Shire of Donnybrook-Balingup Shire of Dowerin Shire of Dumbleyung Shire of Dundas Town of East Fremantle Shire of East Pilbara Shire of Esperance Shire of Exmouth City of Fremantle City of Greater Geraldton</p> | <p>In accordance with and subject to approved Government Land policies.</p> <p>Any signature subject to the following endorsement: Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the <i>Planning and Development Act 2005</i> (including any planning scheme). The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.</p> |

11. Statutory Delegations and Authorisations to Local Government from State Government

| | | |
|-------|---|---|
| (vi) | section 163 of the <i>Planning and Development Act 2005</i> in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the <i>Heritage of Western Australia Act 1990</i> , or of which such a place forms part; | Shire of Gingin Shire of Gnowangerup Shire of Goomalling City of Gosnells Shire of Halls Creek Shire of Harvey Shire of Irwin Shire of Jerramungup City of Joondalup Shire of Kalamunda City of Kalgoorlie-Boulder Shire of Katanning Shire of Kellerberrin Shire of Kent Shire of Kojonup Shire of Kondinin Shire of Koorda Shire of Kulin City of Kwinana Shire of Lake Grace Shire of Laverton Shire of Leonora City of Mandurah Shire of Manjimup Shire of Meekatharra City of Melville Shire of Menzies Shire of Merredin Shire of Mingenew Shire of Moora Shire of Morawa Town of Mosman Park Shire of Mount Magnet Shire of Mt Marshall Shire of Mukinbudin Shire of Mundaring Shire of Murchison Shire of Murray Shire of Nannup Shire of Narembean Shire of Narrogin Town of Narrogin City of Nedlands Shire of Ngaanyatjaraku Shire of Northam Shire of Northampton Shire of Nungarin Shire of Peppermint Grove Shire of Perenjori City of Perth Shire of Pingelly Shire of Plantagenet Town of Port Hedland Shire of Qualtrading Shire of Ravensthorpe City of Rockingham Shire of Roebourne Shire of Sandstone Shire of Serpentine Jarrahdale Shire of Shark Bay City of South Perth City of Stirling City of Subiaco City of Swan |
| (vii) | section 171A of the <i>Planning and Development Act 2005</i> in respect of a prescribed development application (as that term is defined in that section of that Act). | |

11. Statutory Delegations and Authorisations to Local Government from State Government

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



HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS

2nd day of June 2016

11. Statutory Delegations and Authorisations to Local Government from State Government

Development Control Powers – Powers of Local Governments and DOT - Metropolitan Region Scheme (DEL.2017/02)

GOVERNMENT GAZETTE Tuesday, 30 May 2017 No.14

GUIDANCE NOTE:

This delegation must be read in conjunction with amendments Gazetted on Tuesday, 18 December 2018 No.193 – please see inserted below.

PL403

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

Del 2017/02 Powers of Local Governments and Department of Transport

Metropolitan Region Scheme

Delegation of certain powers and functions of the Western Australian Planning Commission relating to the Metropolitan Region Scheme

Preamble

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

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

Resolution under section 16 of the Act (delegation)

On 24 May 2017, pursuant to section 16 of the Act, the WAPC resolved—

- A. To delegate to local governments, and to members and officers of those local governments, its functions in respect of the determination, in accordance with Part IV of the Metropolitan Region Scheme, of applications for approval to commence and carry out development specified in clauses 1 and 2 of Section A, within their respective districts, subject to the conditions set out in clauses 1 to 4 of Section B;
- B. To delegate to the Managing Director, Policy, Planning and Investment—Transport, of the Department of Transport, and the person or persons from time to time holding or acting in that office, its functions in respect of the determination, in accordance with Part IV of the Metropolitan Region Scheme (MRS), of applications for approval to commence and carry out development specified in clause 3, Section A, subject to the conditions set out in clause 5 of Section B.
- C. To revoke its delegation of powers and functions to local governments as detailed in the notice entitled “DEL 2011/02 Powers of local governments (MRS)” published in the *Government Gazette* on 10 June 2014, to give effect to this delegation.

KERRINE BLENKINSOP, Secretary,
Western Australian Planning Commission.

11. Statutory Delegations and Authorisations to Local Government from State Government

PLANNING AND DEVELOPMENT ACT 2005 INSTRUMENT OF DELEGATION

SECTION A—Types of Development

1. Development on zoned land

Applications for development on land zoned under the MRS except—

- (a) where the land is subject to a resolution under Clause 32 of the MRS; or
- (b) where the land is subject to the declaration of a planning control area under Section 112 of the *Planning and Development Act 2005*; or
- (c) where that land is partly within the development control area described in section 10 of the *Swan and Canning Rivers Management Act 2006* or is outside the development control area but abuts waters within the development control area; or
- (d) where the local government is of the opinion that the application should be determined by the WAPC on the grounds that the proposal is of State or regional importance or is in the public interest, or
- (e) in respect of public works undertaken by public authorities.

2. Development on regional road reservations

Applications for developments on or abutting land that is reserved in the MRS for the purpose of a regional road, but excluding any application relating to large format digital signage.

3. Large Format Digital Signage applications

Applications from any public authority for development in relation to large format digital signage, on land reserved under the MRS for the purpose of a Primary Regional Road.

SECTION B—Conditions

1. Referral requirements for development on land within or abutting a regional road reservation

The following applications for development on land that abuts or is fully or partly reserved as regional road reservation (classified as Category 1, 2 and 3) shall be referred to Main Roads WA (MRWA) or the Department of Planning (DoP), as applicable, for transport planning related comments and recommendations before being determined by the local government subject to the process explained in clause 4, Section B.

| Type of regional road reservation in the MRS | Classification on plans SP 693 (PRR) and SP 694 (ORR) | Referral Agency |
|--|---|------------------------|
| Primary Regional Road (PRR) | Category 1, 2 and 3 | Main Roads WA |
| Other Regional Road (ORR) | Category 1, 2 and 3 | Department of Planning |

The regional road network (PRR and ORR) changes periodically with amendments to the MRS. This clause relates to all regional road reservations in the MRS as amended from time to time. Regional roads subject to this notice and the relevant agency that is responsible for their planning are shown on accompanying editions of plans SP 693 (PRR, MRWA) and SP 694 (ORR, WAPC).

11. Statutory Delegations and Authorisations to Local Government from State Government

The road categories shown on plans SP 693 (PRR) and SP 694 (ORR) classify the regional roads based on—

- (a) the permissible vehicular access arrangements to the subject land via the regional road frontage
 - Category 1 road means that frontage access is not allowed (control of access);
 - Category 2 road means that frontage access may be allowed subject to approval; and
- (b) the legibility and statutory powers of current road land requirements defined for the purpose of regional road reservation in the MRS
 - Category 3 road means that the subject regional road reservation is not accurately defined or is subject to review by the agency that is responsible for planning of the regional road.

“Category 1 road” applies where regional roads—

- (a) are constructed or planned to a fully controlled and grade separated freeway standard; or
- (b) are constructed or planned to an access controlled arterial standard, (i.e. functioning as Primary Distributor or Integrator Arterial (District Distributor) road with widely spaced signalised intersections or roundabouts, and a few, if any, direct access points to individual sites or local streets.

“Category 2 road” applies where regional roads—

- (a) are constructed or planned to a partially access controlled arterial standard, (i.e. a primary or district distributor road with direct connections to local streets and driveways to larger sites, but with some restriction of direct frontage access to individual properties); or
- (b) have direct frontage access to abutting properties due to the historic development of the road and properties.

“Category 3 road” applies where regional road reservation is not accurately defined or is under review.

For enquiries and assistance regarding—

- (a) PRR Category 1, 2 and 3—call Main Roads WA on 138 138.
- (b) ORR Category 1, 2 and 3—call Department of Planning on (08) 6551 9000.

Tables 1, 2 and 3 below outline the category of the regional road reservation and the criteria for referring development applications to agencies for comment in accordance with this instrument of delegation.

Table 1—Referral process of development applications with respect to Category 1 (PRR or ORR reservations in the MRS)

| Respective referral agency (as per Section B) | |
|--|--|
| Referral is required in these instances | Referral is not required in these instances |
| 1. Where a development application has one or more of the following characteristics— <ul style="list-style-type: none"> (a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or (b) Development with potential for a significant increase in traffic using any access, either directly or indirectly, onto the road reservation; or (c) Development, which involves direct vehicle access to and/or from the regional road reservation. | 1. Where the local government first decides to refuse the application under the MRS; or 2. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements. |

Table 2—Referral process of development applications with respect to Category 2 (PRR or ORR reservations in the MRS)

| Respective referral agency (as per Section B) | |
|--|--|
| Referral is required in these instances | Referral is not required in these instances |
| 1. Where a development application has one or more of the following characteristics— <ul style="list-style-type: none"> (a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or (b) Development with potential for a significant increase in traffic on the regional road using any access, either directly or indirectly, onto the road reservation; or | 1. Where the local government first decides to refuse the application under the MRS; or 2. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements. |

11. Statutory Delegations and Authorisations to Local Government from State Government

| Respective referral agency (as per Section B) | |
|---|---|
| Referral is required in these instances | Referral is not required in these instances |
| <ul style="list-style-type: none"> (c) Development, which involves the retention of more than one existing access; or additional, relocated or new access between the subject land and the road reservation; or (d) Development, which proposes retention of an existing access between the subject land and the road reservation, where alternative access is or could be made available from side or rear streets or from rights of way at rear; or (e) Development on a lot affected by the regional road reservation where— <ul style="list-style-type: none"> • all or part of the proposed development is within the regional road reservation; and • has a construction value greater than \$20 000; or (f) Development on a lot affected by the regional road reservation where— <ul style="list-style-type: none"> • none of the proposed development is within the regional road reservation; and • has a construction value greater than \$150 000 | |

Table 3—Referral process of development applications with respect to Category 3 (PRR or ORR reservations in the MRS)

| Respective referral agency (as per Section B) | |
|--|---|
| Referral is required in these instances | Referral is not required in these instances |
| 1. All development applications, other than those where local government first decides to refuse it. | 1. Where the local government first decides to refuse the application under the MRS |

Notes—

- (1) Copies of plans SP 693 (PRR) and SP 694 (ORR) are available from the WAPC's website: "Resolutions and instruments of delegation—WAPC Powers of local governments (MRS)". (<http://www.planning.wa.gov.au/1212.asp>)
- (2) In determining applications under this delegation, local governments shall have due regard to relevant WAPC and MRWA policy and guidelines, including but not limited to the Commission's DC Policy—5.1 *Regional Roads (Vehicular Access)*, the Transport Impact Assessment Guidelines, and MRWA *Driveways Policy*, which set out the principles and requirements to be applied when considering proposals for vehicle access to or from developments abutting certain categories of regional roads.
(<http://www.planning.wa.gov.au/publications/812.asp>; and
<https://www.mainroads.wa.gov.au/BuildingRoads/StandardsTechnical/RoadandTrafficEngineering/GuidetoRoadDesign/Pages/Driveways.aspx>)
- (3) Local governments shall ensure that sufficient transport information accompanies the development application to assist the referral agency in assessing the transport implications of the proposal. This information should be provided in accordance with the WAPC's *Transport Impact Assessment Guidelines*. (<http://www.planning.wa.gov.au/publications/1197.asp>)
- (4) With regard to proposals for new noise-sensitive developments, the local government shall have due regard to the provisions of Commission's *State Planning Policy—5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning*. (<http://www.planning.wa.gov.au/publications/1182.asp>)
- (5) With regard to development application for the display of advertisements on land reserved under the MRS local government should have regard to the Commission's DC Policy 5.4 *Advertising on Reserved Land*. (<http://www.planning.wa.gov.au/publications/825.asp>)

2. Referral requirements for development on land abutting the Swan River Trust Development Control Area

Applications for development on land that is outside the development control area but abutting land that is in the development control area, or which in the opinion of the local government are likely to affect waters in the development control area, shall be referred to the Swan River Trust for comment and recommendation before being determined by the local government.

11. Statutory Delegations and Authorisations to Local Government from State Government

3. Referral requirements for development on land abutting other reservations

Applications for development on land abutting land reserved in the MRS for purposes other than regional roads or Parks and Recreation (where the reservation corresponds with the Swan River Trust development control area and is covered by Clause 2, Section B of this notice) shall be referred to the public authority responsible for that reserved land for comment and recommendation before being determined by the local government.

In the case of land reserved for the purpose of Parks and Recreation, which is not vested or owned by another public authority, the applications shall be referred to the Department of Planning before being determined by the local government.

4. For the purpose of this Instrument of Delegation (excluding applications under clause 3, Section A)—

- (a) Where an application is referred by the local government to a public authority for comment and recommendation, the public authority shall provide comment and a recommendation, if any, within 30 days of receipt of the application. If no comment or recommendation is received within that 30 day period the local government may determine the application on the available information.
- (b) Where the recommendation provided by the public authority specified in the delegation notice is not acceptable to the local government the application, together with the recommendations provided by all public authorities consulted and the reasons why the recommendation is not acceptable to the local government, shall be referred immediately to the WAPC for determination.
- (c) The powers delegated to a member or officer of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development within the local government district under the local government's local planning scheme.

5. Referral Requirements for applications from a public authority for large format digital signage development on land within a Primary Regional Road reservation

Where applications for large format digital signage development relate to land that is reserved as Primary Regional Roads (PRR) reservation in the MRS, the following shall apply—

- (a) DoT shall refer the application to the relevant local government and Main Roads WA for comment and recommendation;
- (b) the local government and Main Roads WA shall provide their comments and recommendations, if any, to the delegate within 30 days of receipt of the application;
- (c) Once the 30 day period has elapsed, the delegate may determine the application, even in the absence of comments and recommendations; and
- (d) the delegate is not bound to follow any recommendation received.

Interpretation

In this Instrument of Delegation, unless the context otherwise requires—

- A reference to a 'position' or 'classification' contemplates and includes a reference to its successor in title.
- "access" means both entry and exit from either a road or abutting development by a vehicle.
- "Commission" or "WAPC" means the "Western Australian Planning Commission".
- "development" has the same meaning given to it in and for the purposes of the *Planning and Development Act 2005* or "development means the development or use of any land, including—
 - (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;
 - (b) the carrying out on the land of any excavation or other works;
 - (c) in the case of a place to which a Conservation Order made under section 59 of the *Heritage of Western Australia Act 1990* applies, any act or thing that—
 - (i) is likely to change the character of that place or the external appearance of any building; or
 - (ii) would constitute an irreversible alteration of the fabric of any building".
- "DoT" means the Department of Transport
- "Large format digital signage" means an electronic billboard whether freestanding or attached to another structure with a display area of greater than 13m² "local government" means a local government within the area covered by the MRS.
- "local road" means a public road other than a private road or a road subject of reservation under Part II of the MRS.
- "not acceptable" means that the local government wishes to determine the application, as a delegate of the WAPC, in a manner that is inconsistent with the recommendation received from the public agency to which the local government was required to consult under this Notice of Delegation.
- Main Roads WA means Main Roads Western Australia
- "Public authority" means any of the following—
 - (a) a Minister of the Crown in right of the State;

11. Statutory Delegations and Authorisations to Local Government from State Government

- (b) a department of the Public Service, State trading concern, State instrumentality or State public utility;
- (c) any other person or body, whether corporate or not, who or which, under the authority of a written law, administers or carries on for the benefit of the State, a social service or public utility;
- “regional road” means any road designated under the region Scheme as follows—
 - (a) land coloured red in the Scheme Map—Primary Regional Roads; and
 - (b) land coloured dark blue in the Scheme Map—Other Regional Roads.
- “reserved land” means land reserved under Part II of the MRS.
- “road reservation” means land reserved for the purposes of a regional road in the MRS.
- “significant increase in traffic” means generating more than 100 vehicle trips in the peak hour and would therefore require a transport assessment to accompany the development application. Refer to the Commission’s *Transport Impact Assessment Guidelines*

CORRECTION TO DELEGATION 2017/02 GOVERNMENT GAZETTE 2 June 2017

PL101

CORRECTION
PLANNING AND DEVELOPMENT ACT 2005
INSTRUMENT OF DELEGATION
Del 2017/02 Powers of Local Governments and Department of Transport
Metropolitan Region Scheme

Certain typographical errors were recorded in the Instrument of Delegation, made under the *Planning and Development Act 2005*, and published on 30 May 2017 from page 2738 to 2743 of the *Government Gazette*.

The errors are corrected as follows—

1. On page 2739, the text of Resolution C is deleted and replaced with the following words—
“TO REVOKE its delegation of powers and functions to local governments and the Department of Transport as detailed in the notice entitled “DEL 2015/02 Powers of local governments and Department of Transport (MRS)” published in the *Government Gazette* on 18 December 2015, to give effect to this delegation.”

AMENDMENT TO DELEGATION 2017/02 GOVERNMENT GAZETTE, Tuesday, 18 December 2019, No.193 ***GUIDANCE NOTE:***

The below gazettal amends the above delegation and the two must be read in conjunction.

PL402

PLANNING AND DEVELOPMENT ACT 2005
AMENDMENT TO INSTRUMENT OF DELEGATION—POWERS OF LOCAL GOVERNMENT AND DoT
Notice of amendment to the Instrument of Delegation, Instrument of Delegation 2017/02—Powers of Local Governments and Department of Transport, Metropolitan Region Scheme, as gazetted on 30 May 2017

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act), the Western Australian Planning Commission (WAPC) may, by resolution published in the *Government Gazette*, delegate any function to a member, committee or officer of the WAPC or to a public authority or to a member or officer of a public authority.

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

Resolution under section 16 of the Act (delegation)

On 12 December 2018, pursuant to section 16 of the Act, the WAPC resolved—

- A. To amend the Instrument of Delegation 2017/02—Powers of Local Governments and Department of Transport, Metropolitan Region Scheme as gazetted on 30 May 2017, as set out in Schedule 1 below.

SAM FAGAN, Secretary,
Western Australian Planning Commission.

11. Statutory Delegations and Authorisations to Local Government from State Government

Schedule 1

1. Instrument of delegation amended

The amendments within this Schedule are to the Schedules set out in the Instrument of Delegation 2017/02—Powers of Local Governments and Department of Transport, Metropolitan Region Scheme, as gazetted on 30 May 2017 and as amended.

2. Amendment to Section A

1. The word “but excluding any application relating to large format digital signage” are deleted from clause 2.
2. Clause 3 is deleted.

3. Amendments to Section B

1. The words in brackets “(excluding applications under clause 3, Section A)” are deleted from the title to clause 4.
2. Clause 5 is deleted.
3. In the interpretation section the terms “Large format digital signage” and “Public Authority” and their respective definitions, are deleted.

11. Statutory Delegations and Authorisations to Local Government from State Government

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

822

GOVERNMENT GAZETTE, WA

27 March 2020

PL402

PLANNING AND DEVELOPMENT ACT 2005 INSTRUMENT OF DELEGATION Del 2020/01 Powers of Local Governments

Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the issuing of certificates of approval under section 15 of the *Strata Titles Act 1985*.

Preamble

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

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

Resolution under section 16 of the Act (delegation)

On 19 March 2020, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A. To delegate to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the *Strata Titles Act 1985* as set out in clause 1 of Schedule, within their respective districts, subject to the conditions set out in clause 2 of Schedule 1;
- B. To declare that this instrument recording its resolution is to take effect upon the proclamation of the *Strata Titles Amendment Act 2018*.

SAM FAGAN, Secretary,
Western Australian Planning Commission.

Schedule 1

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

Power to determine applications for the issuing of a certificate of approval under section 15 of the *Strata Titles Act 1985*, except those applications that—

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

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

2. Reporting requirements

A local government that exercises the power referred to in clause 1 is to provide WAPC with data on all applications determined under this Instrument of Delegation at the conclusion of each financial year in the format prescribed by the WAPC.

11. Statutory Delegations and Authorisations to Local Government from State Government

Main Roads Act 1930

Traffic Management - Events on Roads

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

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

**RELATING TO
TRAFFIC MANAGEMENT FOR EVENTS**

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

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

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

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Events Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Events Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the event, a copy of which can be obtained from Main Roads Western Australia from www.mainroads.wa.gov.au or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

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

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

- 1) any prior Instrument of Authorisation from the Commissioner of Main Roads for the purposes of undertaking traffic management for works on roads; and
- 2) any powers and responsibilities of a local government provided in regulation 9 of the *Road Traffic (Events on Roads) Regulations 1991*.

11. Statutory Delegations and Authorisations to Local Government from State Government

Dated:

THE COMMON SEAL OF THE)
COMMISSIONER OF MAIN ROADS)
WAS AFFIXED BY)
)
)
COMMISSIONER OF MAIN ROADS)
FOR THE TIME BEING IN THE)
PRESENCE OF:)

Signature of Witness

Name of Witness (please print)

ACKNOWLEDGMENT BY AUTHORISED BODY

.....(*Insert name of Local Government*)..... agrees to unconditionally observe, perform and be bound by the above conditions.

THE COMMON SEAL of)
)
)

[Insert name of Local Government])
)
Was hereunto affixed pursuant to a)
resolution of the Council in the)
presence of:)
)

Signature of Chief Executive Officer

Signature of Witness

Name of Witness (please print)

11. Statutory Delegations and Authorisations to Local Government from State Government

Traffic Management – Road Works

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

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

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

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Works on Roads Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Roadworks Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the relevant works, a copy of which can be obtained from Main Roads Western Australia from www.mainroads.wa.gov.au or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

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

This Instrument of Authorisation replaces any prior Instrument of Authorisation under Regulation 297(2) of the Road Traffic Code 2000 between the Commissioner and the Authorised Body. The Commissioner's delegation dated 17 July 1975 to a number of Local Governments outside the Perth metropolitan area, is not affected by this Instrument of Authorisation except that this Instrument of Authorisation prevails wherever roadworks are concerned. That 1975 delegation was made under Regulation 301 of the Road Traffic Code 1975 and related to non-regulatory signage.

11. Statutory Delegations and Authorisations to Local Government from State Government

Dated:

THE COMMON SEAL OF THE)
COMMISSIONER OF MAIN ROADS)
WAS AFFIXED BY)
)
)
COMMISSIONER OF MAIN ROADS)
FOR THE TIME BEING IN THE PRESENCE OF:)

Signature of Witness

Name of Witness

ACKNOWLEDGMENT BY AUTHORISED BODY

..... agrees to observe, perform and be
bound by the above conditions.

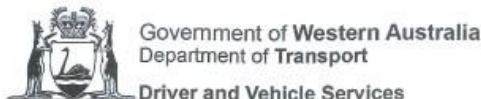
THE COMMON SEAL OF THE)
.....)
WAS AFFIXED PURSUANT TO A RESOLUTION)
OF THE COUNCIL IN THE PRESENCE OF)

Chief Executive Officer

Witness

11. Statutory Delegations and Authorisations to Local Government from State Government

Road Traffic (Vehicles) Act 2012 Approval for Certain Local Government Vehicles as Special Use Vehicles



ROAD TRAFFIC (VEHICLES) ACT 2012

Road Traffic (Vehicles) Regulations 2014

RTVR-2017-202046

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

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

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

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

CONDITIONS

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