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DELEGATED AUTHORITY MANUAL

2023/2024

Chief Executive Officer to Authorised Persons

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Introduction

The authority delegated in this Manual is delegated by the Chief Executive Officer to Authorised Officers. To avoid confusion with the Delegated Authority Register – Council to Authorised Officers (the Register), this document has been titled Delegated Authority Manual – Chief Executive Officer to Authorised Persons.

The majority of these delegations are first delegated to the Chief Executive Officer by Council and are recorded in the Delegated Authority Register – Council to Authorised Officers. In some cases, authority is directly delegated to Officers by Council, these are primarily recorded in the Delegated Authority Register – Council to Chief Executive Officer, however a copy has been included within this document. Some legislation provides the CEO the power to delegate certain duties without Council endorsement, these are included in this Manual and colour coded orange.

This Manual does not automatically give the Officer holding a listed authorised position delegated authority. Powers are conferred to Officers by the Chief Executive Officer through the issuance of an Instrument of Delegation. These are issued and reviewed on an annual basis following the review of the Register and this Manual.

There are three colours used throughout this Manual to highlight different statutory requirements. Their meanings are listed below.



Authority has been delegated to the CEO to appoint Authorised Officers. This cannot be sub-delegated.
Authority has been directly delegated to Authorised Officers by Council.



Authority has been delegated to the CEO by Council and the CEO may sub-delegate to staff.



Authority to delegate duties has been given to the CEO by the relevant Legislation. These are not endorsed by Council.

Record Keeping

If a person is exercising a delegated power or duty, r.19 of the *Local Government (Administration) Regulations 1996* requires records be kept relating to the exercise of the power or discharge of the duty. The written record is to contain:

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

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PART 1 *LOCAL GOVERNMENT ACT 1995*

1.1 Expressions of Interest, Tenders and Pre-qualified Suppliers (s.3.57)

Function Delegated	Authority to undertake tendering, expressions of interest and prequalified supplier panels.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<p><i>Local Government Act 1995</i> s.3.57(1) - Tenders for providing goods or services</p> <p><i>Local Government (Functions and General) Regulations 1996</i> Division 2 - Tenders for providing goods or services Division 3 - Panels of pre-qualified suppliers</p>
Power originally assigned to	Local Government
Power to Delegate	<p><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</p>
Power Delegated to	Chief Executive Officer
Council Conditions	<ol style="list-style-type: none"> 1) Unique supplier exemption may only be approved where a record is retained that evidences rationale for why the supply is unique and cannot be sourced through other suppliers 2) Tenders may only be called where there is a budget allocation for the proposed goods or services 3) Subject to goods and services included in the Annual Budget, the delegation is limited to: <ol style="list-style-type: none"> a) Purchases utilising WALGA Preferred Suppliers, not exceeding a value of \$250,000 b) Quotes utilising a pre-qualified supplier who is part of a panel of pre-qualified suppliers, not exceeding a value of \$250,000 c) Tenders not exceeding a value as per the Regulations excluding schedule of rates Tenders 4) Council consider a minor variation before entering into a contract to be 10% of the contract sum 5) In accordance with Division 3 - Panels of pre-qualified suppliers, applicants may only be appointed to a panel by Council Decision
Power to Sub-Delegate	<p><i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees</p>
Sub-Delegated to	<p>Director Corporate & Community Services</p> <p>Director Asset Management</p> <p>Director External Services</p>
CEO Conditions	Directors may only act on matters relevant to the responsibilities of their specific directorate.

1.1 Expressions of Interest, Tenders and Pre-qualified Suppliers (s.3.57)

Compliance Links	<p><i>Local Government Act 1995</i> s.5.43 - Limitations on delegations to the CEO</p> <p><i>Local Government (Functions and General) Regulations 1996</i> Part 4 — Provision of goods and services</p> <p>Council Policy COR 007: Procurement Policy</p>
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DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted – June 2019, Resolution # O0619-120	5. Reviewed – June 2023, Resolution #O0623-117
2. Amended – May 2020, Resolution #O0520-148	6.
3. Reviewed – May 2021, Resolution #O0521-147	7.
4. Reviewed – May 2022, Resolution #O0522-112	8.

1.2 Agreement as to payment of rates and service charges (s.6.49)

Function Delegated	Authority to accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government Act 1995</i> s.6.49 – Agreement as to payment of rates and service charges
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s.5.42 – Delegation of some powers and duties to the CEO s.5.43 – Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees
Sub-Delegated to	Director Corporate & Community Services Manager Financial Services
CEO Conditions	Nil
Compliance Links	Nil

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted - February 2004, Resolution # O0204-0769	8. Reviewed – May 2018, Resolution #O0518-098
2. Reviewed - February 2011, Resolution # O0211-1575	9. Amended – June 2019: Resolution # O0619-120
3. Reviewed - May 2012, Resolution # AP0412-005	10. Reviewed – May 2020, Resolution #O0520-148
4. Reviewed - June 2013, Resolution # O0613-012	11. Reviewed – May 2021, Resolution #O0521-147
5. Reviewed – May 2015, Resolution # O0515-026	12. Reviewed – May 2022, Resolution #O0522-112
6. Reviewed – July 2016, Resolution # O0716-032	13. Reviewed – June 2023, Resolution #O0623-117
7. Reviewed – June 2017, Resolution #O0617-133	

1.3 Powers of entry (s.3.28 & s3.34)

Function Delegated	Authority to 1) Confer powers of entry to allow staff performing the functions of the <i>Local Government Act 1995</i> to enter property following a notice being given under s.3.32. and; 2) Allow, in an emergency, entry to any land, premises or thing immediately and without notice to perform any Local Government function as considered appropriate to deal with the emergency.	
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>		
Power being Delegated	<i>Local Government Act 1995</i> s.3.28 - When this Subdivision applies (Subdivision 3 — Powers of entry) s.3.34 - Entry in emergency	
Power originally assigned to	Local Government	
Power to Delegate	<i>Local Government Act 1995</i> s.5.42 – Delegation of some powers and duties to the CEO s.5.43 – Limitations on delegations to the CEO	
Power Delegated to	Chief Executive Officer	
Council Conditions	Nil	
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees	
Sub-Delegated to	Director Asset Management Director Corporate & Community Services Director External Services Manager Development Services Manager Waste & Environmental Health Coordinator Building Services Casual Building Surveyor Manager Ranger & Emergency Services	Graduate Building Surveyor Coordinator Planning Services Coordinator Environmental Health Environmental Health Officer Environmental Health Assistant Senior Shire Ranger Shire Ranger
CEO Conditions	Nil	
Compliance Links	<i>Local Government Act 1995</i> Division 3, Subdivision 3 – Powers of entry s.3.32 - Notice of entry s.3.34 – Entry in emergency	
DELEGATION ADMINISTRATION		
Decision Reference		Decision Reference
1. Adopted - June 2013, Resolution # O0613-012		6. Amended – June 2019: Resolution # O0619-120

2. Reviewed – May 2015, Resolution # O0515-026	7. Amended – May 2020, Resolution #O0520-148
3. Reviewed – July 2016, Resolution # O0716-032	8. Reviewed – May 2021, Resolution #O0521-147
4. Reviewed – June 2017, Resolution #O0617-133	9. Amended – May 2022, Resolution #O0522-112
5. Reviewed – May 2018, Resolution #O0518-098	10. Reviewed – June 2023, Resolution #O0623-117

1.4 Certain provisions about land (s.3.25, s.3.26 & s.3.27)											
Function Delegated	<p>Authority to give an owner or occupier of land notice requiring them to do anything as prescribed in Schedule 3.1, Division 1 of the <i>Local Government Act 1995</i>.</p> <p>Following a failure to comply with the above notice, authority to take action that is considered necessary to achieve, so far as is practicable, the purpose for which the notice was given.</p> <p>Authority to recover cost of the above action as a debt due from the person who failed to comply.</p> <p>Authority to do any of the things prescribed in Schedule 3.2 to non-local government property, without consent, in the Local Government's capacity to undertake its general functions as outlined in s.3.27.</p>										
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>											
Power being Delegated	<p><i>Local Government Act 1995</i></p> <p>s.3.25 – Notices requiring certain things to be done by owner or occupier of land</p> <p>s.3.26 – Additional powers when notices given</p> <p>s.3.27 – Particular things local governments can do on land that is not local government property</p>										
Power originally assigned to	Local Government										
Power to Delegate	<p><i>Local Government Act 1995</i></p> <p>s.3.24 – Authorising persons under this Subdivision (Subdivision 2 — Certain provisions about land)</p> <p>s.5.42 – Delegation of some powers and duties to the CEO</p> <p>s.5.43 – Limitations on delegations to the CEO</p>										
Power Delegated to	Chief Executive Officer										
Council Conditions	Nil										
Power to Sub-Delegate	<p><i>Local Government Act 1995</i></p> <p>s.5.44 – CEO may delegate powers and duties to other employees</p>										
Sub-Delegated to	<table> <tr> <td>Director Asset Management</td><td>Coordinator Environmental Health</td></tr> <tr> <td>Director External Services</td><td>Environmental Health Officer</td></tr> <tr> <td>Manager Development Services</td><td>Senior Shire Ranger(s.3.25 & s.3.27)</td></tr> <tr> <td>Manager Waste & Environmental Health</td><td>Shire Ranger (s.3.25 & s.3.27)</td></tr> <tr> <td></td><td>Manager Ranger & Emergency Services</td></tr> </table>	Director Asset Management	Coordinator Environmental Health	Director External Services	Environmental Health Officer	Manager Development Services	Senior Shire Ranger(s.3.25 & s.3.27)	Manager Waste & Environmental Health	Shire Ranger (s.3.25 & s.3.27)		Manager Ranger & Emergency Services
Director Asset Management	Coordinator Environmental Health										
Director External Services	Environmental Health Officer										
Manager Development Services	Senior Shire Ranger(s.3.25 & s.3.27)										
Manager Waste & Environmental Health	Shire Ranger (s.3.25 & s.3.27)										
	Manager Ranger & Emergency Services										
CEO Conditions	Nil										
Compliance Links	<p><i>Local Government Act 1995</i></p> <p>Schedule 3.1 - Powers under notices to owners or occupiers of land</p> <p>Schedule 3.2 - Particular things local governments can do on land even though it is not local government property</p>										
DELEGATION ADMINISTRATION											

Decision Reference	Decision Reference
1. Adopted - June 2013, Resolution # O0613-012	6. Amended – June 2019: Resolution # O0619-120
2. Reviewed – May 2015, Resolution # O0515-026	7. Reviewed – May 2020, Resolution #O0520-148
3. Reviewed – July 2016, Resolution # O0716-032	8. Reviewed – May 2021, Resolution #O0521-147
4. Reviewed – June 2017, Resolution #O0617-133	9. Reviewed – May 2022, Resolution #O0522-112
5. Reviewed – May 2018, Resolution #O0518-098	10. Reviewed – June 2023, Resolution #O0623-117

1.5 Enforcement and legal proceedings (s. 9.19, 9.20 & 9.24)

Function Delegated	Authority to exercise the powers and duties of a local government to administer and enforce the provisions of the Act.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government Act 1995</i> s.9.19 – Extension of time s.9.20 – Withdrawal of notice s.9.24 – Prosecutions, commencing
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s.5.42 – Delegation of some powers and duties to the CEO s.5.43 – Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees
Sub-Delegated to	Director External Services – (s.9.19 & s.9.24) Manager Development Services – (s.9.19) Manager Waste & Environmental Health - (s.9.19) Coordinator Planning Services - (s.9.19) Manager Ranger & Emergency Services – (s.9.19)
CEO Conditions	Nil
Compliance Links	<i>Road Traffic (Vehicles) Act 2012</i>
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted - June 2013, Resolution # O0613-012	6. Amended – June 2019: Resolution # O0619-120
2. Reviewed – May 2015, Resolution # O0515-026	7. Reviewed – May 2020, Resolution #O0520-148
3. Reviewed – July 2016, Resolution # O0716-032	8. Reviewed – May 2021, Resolution #O0521-147
4. Reviewed – June 2017, Resolution #O0617-133	9. Amended – May 2022, Resolution #O0522-112
5. Reviewed – May 2018, Resolution #O0518-098	10. Amended – June 2023, Resolution #O0623-117

1.6 Closing certain thoroughfares to vehicles (s.3.50)	
Function Delegated	Authority to close a thoroughfare to vehicles wholly or partially, for a period not exceeding four weeks.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government Act 1995</i> s.3.50 – Closing certain thoroughfares to vehicles
Power originally assigned to	Local Government
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
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees
Sub-Delegated to	Director Asset Management
CEO Conditions	Nil
Compliance Links	Nil
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted - February 2004, Resolution # O0204-0769	8. Reviewed – May 2018, Resolution #O0518-098
2. Reviewed - February 2011, Resolution # O0211-1575	9. Amended – June 2019: Resolution # O0619-120
3. Reviewed - May 2012, Resolution # AP0412-005	10. Reviewed – May 2020, Resolution #O0520-148
4. Reviewed - June 2013, Resolution # O0613-012	11. Reviewed – May 2021, Resolution #O0521-147
5. Reviewed – May 2015, Resolution # O0515-026	12. Reviewed – May 2022, Resolution #O0522-112
6. Reviewed – July 2016, Resolution # O0716-032	13. Reviewed – June 2023, Resolution #O0623-117
7. Reviewed – June 2017, Resolution #O0617-133	

1.7 Declaring a vehicle as an abandoned vehicle wreck (s.3.40A)	
Function Delegated	Authority to declare an impounded vehicle as an abandoned wreck.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government Act 1995</i> s.3.40A – Abandoned vehicle wreck may be taken
Power originally assigned to	Local Government
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
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees
Sub-Delegated to	Director External Services Manager Waste & Environmental Health Senior Shire Ranger Shire Ranger Manager Ranger & Emergency Services
CEO Conditions	Nil
Compliance Links	<i>Local Government Act 1995</i> s3.39 - Power to remove and impound s.3.46 – Goods may be withheld until costs paid s.3.47 – Confiscated or uncollected goods, disposal of
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted – March 2009, Resolution # O0309-1572	8. Reviewed – May 2018, Resolution #O0518-098
2. Reviewed - February 2011, Resolution # O0211-1575	9. Amended – June 2019: Resolution # O0619-120
3. Reviewed - May 2012, Resolution # AP0412-005	10. Reviewed – May 2020, Resolution #O0520-148
4. Reviewed - June 2013, Resolution # O0613-012	11. Reviewed – May 2021, Resolution #O0521-147
5. Reviewed – May 2015, Resolution # O0515-026	12. Amended – May 2022, Resolution #O0522-112
6. Reviewed – July 2016, Resolution # O0716-032	13. Reviewed – June 2023, Resolution #O0623-117
7. Reviewed – June 2017, Resolution #O0617-133	

1.8 Disposing of confiscated or uncollected goods (s.3.47)

Function Delegated	Authority to sell or otherwise dispose of confiscated or uncollected goods that have been ordered to be confiscated under s.3.43.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government Act 1995</i> s.3.47 – Confiscated or uncollected goods, disposal of
Power originally assigned to	Local Government
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
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate some powers & duties to other employees
Sub-Delegated to	Director External Services Manager Ranger & Emergency Services Manager Waste & Environmental Health
CEO Conditions	Nil
Compliance Links	<i>Local Government Act 1995</i> s.3.40 - Vehicle may be removed if goods to be impounded are in or on vehicle s.3.42 - Impounded non-perishable goods s.3.43 - Impounded non-perishable goods, court may confiscate s.3.44 - Notice to collect goods if not confiscated s.3.46 - Goods may be withheld until costs paid s.3.58 - Disposing of Property

DELEGATION ADMINISTRATION

Decision Reference		Decision Reference	
1.	Adopted - February 2004, Resolution # O0204-0769	8.	Reviewed – May 2018, Resolution #O0518-098
2.	Reviewed - February 2011, Resolution # O0211-1575	9.	Amended – June 2019: Resolution # O0619-120
3.	Reviewed - May 2012, Resolution # AP0412-005	10.	Amended – May 2020, Resolution #O0520-148
4.	Reviewed - June 2013, Resolution # O0613-012	11.	Reviewed – May 2021, Resolution #O0521-147
5.	Reviewed – May 2015, Resolution # O0515-026	12.	Amended – May 2022, Resolution #O0522-112
6.	Reviewed – July 2016, Resolution # O0716-032	13.	Amended – June 2023, Resolution #O0623-117
7.	Reviewed – June 2017, Resolution #O0617-133		

1.9 Disposing of property (s.3.58)	
Function Performed	Authority to dispose of property surplus to the Shire's operational needs.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government Act 1995</i> s.3.58 - Disposing of Property
Power originally assigned to	Local Government
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
Power Delegated to	Chief Executive Officer
Council Conditions	<ol style="list-style-type: none"> 1. Authority for the Disposal of land and/or building assets is limited to matters specified in the Annual Budget or Corporate Business Plan and in any other case, requires a specific resolution of Council. 2. The Chief Executive Officer is limited to determining disposals of property (including land assets) for any single project, or where not part of a project a single event, to an aggregated maximum material value of \$500,000. 3. Authority to determine the method of disposal: <ol style="list-style-type: none"> a. Where a public auction is determined as the method of disposal: <ol style="list-style-type: none"> i. a reserve price has been set through independent valuation; ii. where the reserve price is not achieved at auction negotiation may be undertaken to achieve the sale of the property at up to a 10% variation on the valuation 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 direct negotiation is determined [s.3.58(3)] as the method of disposal, authority to: <ol style="list-style-type: none"> i. negotiate the sale of the property up to a 10% variance below the valuation; and ii. consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a determination are recorded.
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate some powers and duties to other employees
Sub-Delegated to	Director Asset Management

1.9 Disposing of property (s.3.58)

CEO Conditions	Authority to dispose of property is limited to plant, equipment or property less than \$20,000 in accordance with Council Conditions.
Compliance Links	<i>Local Government Function and General Regulations 1996</i> r.30 - Dispositions of property excluded from Act s. 3.58 Council Policy COR 018: Asset Disposal

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted – May 2010, Resolution # O0510-1456	8. Reviewed – June 2017 Resolution # O0617-133
2. Reviewed - February 2011, Resolution # O0211-1575	9. Reviewed – May 2018, Resolution # O0518-098
3. Reviewed - May 2012, Resolution # AP0412-005	10. Amended – June 2019: Resolution # O0619-120
4. Reviewed – December 2012, Resolution # O1212-062	11. Amended – May 2020, Resolution #O0520-148
5. Reviewed - June 2013, Resolution # O0613-012	12. Reviewed – May 2021, Resolution #O0521-147
6. Reviewed – May 2015, Resolution # O0515-026	13. Reviewed – May 2022, Resolution #O0522-112
7. Reviewed – July 2016, Resolution # O0716-032	14. Amended – June 2023, Resolution #O0623-117

1.10 Investment of funds (s.6.14)	
Function Performed	Authority to invest money in the municipal fund or the trust fund that is not for the time being, required for any other purpose.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government Act 1995</i> s.6.14 – Power to invest
Power originally assigned to	Local Government
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
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate some powers and duties to other employees
Sub-Delegated to	Director Corporate & Community Services Manager Financial Services
CEO Conditions	Nil
Compliance Links	<i>Local Government (Financial Management) Regulations 1996</i> r.19 - Investments, control procedures for Council Policy COR 026: Investment
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted - February 2004, Resolution # O0204-0769	8. Reviewed – May 2018, Resolution # O0518-098
2. Reviewed - February 2011, Resolution # O0211-1575	9. Amended – June 2019: Resolution # O0619-120
3. Reviewed - April 2012, Resolution # AP0412-005	10. Amended – May 2020, Resolution #O0520-148
4. Reviewed - June 2013, Resolution # O0613-012	11. Reviewed – May 2021, Resolution #O0521-147
5. Reviewed – May 2015, Resolution # O0515-026	12. Amended – May 2022, Resolution #O0522-112
6. Reviewed – July 2016, Resolution # O0716-032	13. Amended – June 2023, Resolution #O0623-117
7. Reviewed – June 2017 Resolution # O0617-133	

1.11 Local government may require lessee to pay rent (s.6.60)

Function Delegated	Authority to require a lessee to pay rent to the Local Government in satisfaction of rates or service charges due and payable.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government Act 1995</i> s.6.60 – Local Government may require lessee to pay rent
Power originally assigned to	Local Government
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
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers & duties to other employees
Sub-Delegated to	Director Corporate & Community Services Manager Financial Services
CEO Conditions	Nil
Compliance Links	Nil

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted - February 2004, Resolution # O0204-0769	8. Reviewed – May 2018, Resolution #O0518-098
2. Reviewed - February 2011, Resolution # O0211-1575	9. Amended – June 2019: Resolution # O0619-120
3. Reviewed - April 2012, Resolution # AP0412-005	10. Reviewed – May 2020, Resolution #O0520-148
4. Reviewed - June 2013, Resolution # O0613-012	11. Reviewed – May 2021, Resolution #O0521-147
5. Reviewed – May 2015, Resolution # O0515-026	12. Reviewed – May 2022, Resolution #O0522-112
6. Reviewed – July 2016, Resolution # O0716-032	13. Amended – June 2023, Resolution #O0623-117
7. Reviewed – June 2017, Resolution #O0617-133	

1.12 Local laws administration (s.3.18)	
Function Delegated	Authority to exercise the powers and duties and to administer and do all things necessary to enact the Shire of Esperance Local Laws.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government Act 1995</i> s.3.18 – Performing executive functions
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s.5.42 – Delegation of some powers or duties to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	<p>The following powers be reserved to the Council:</p> <p><u>Local Government Property Local Law 2009</u></p> <ul style="list-style-type: none"> i) make a determination under Part 2; ii) enter into an agreement with a permit holder in respect of ownership of materials in a building (clause 3.7); iii) restrict use of the airport through a designation under clause 5.10(2); iv) hear an objection under Part 7; v) appoint authorised persons who are not employees under section 9.10 of the <i>Local Government Act 1995</i>; and vi) Determine forms to be used in the administering of the Local Law. <p><u>Activities in Thoroughfares and Public Places and Trading Local Law 2016</u></p> <ul style="list-style-type: none"> i) require any person to fence land adjoining a public place or local government property at his/ her expense (see clause 2.16); ii) declare a thoroughfare to be a “flora road” under clause 5.3; iii) designate a thoroughfare or part of a thoroughfare as ‘a special environmental area’ under clause 5.7; iv) grant any exemptions under clause 6.7(3); v) adopt or vary policy containing conditions subject to which an application for a permit may be approved under clauses 7.2(1)(a) and 7.4; vi) hear an objection (see clause 8.1); vii) appoint authorised persons who are not Shire Of Esperance employees under section 9.10 of the <i>Local Government Act 1995</i>; and viii) Determine forms to be used in the administering of the Local Law. <p><u>Extractive Industries Local Law 2001</u></p> <ul style="list-style-type: none"> i) issue of refusal of a license under clause 3.1(2) of the Local Law; ii) determination of a license period under clause 3.1(3)(a) of the Local Law; iii) cancellation of a license under clause 4.2(1) of the Local Law; and iv) renewal or refusal to renew a license under clause 4.3(4) of the Local Law.
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate some powers & duties to other employees
Sub-Delegated to	Director Asset Management Manager Waste & Environmental Health

1.12 Local laws administration (s.3.18)

	Director External Services Manager Development Services Manager Ranger & Emergency Services	Manager Recreation & Culture Senior Shire Ranger Shire Ranger Coordinator Waste Management
CEO Conditions	Nil	
Compliance Links	Shire of Esperance Local Laws	

DELEGATION ADMINISTRATION

Decision Reference		Decision Reference	
1.	Adopted - February 2004, Resolution # O0204-0769	8.	Reviewed – May 2018, Resolution #O0518-098
2.	Reviewed - February 2011, Resolution # O0211-1575	9.	Amended – June 2019: Resolution # O0619-120
3.	Reviewed - April 2012, Resolution # AP0412-005	10.	Amended – May 2020, Resolution #O0520-148
4.	Reviewed - June 2013, Resolution # O0613-012	11.	Amended – May 2021, Resolution #O0521-147
5.	Reviewed – May 2015, Resolution # O0515-026	12.	Reviewed – May 2022, Resolution #O0522-112
6.	Reviewed – July 2016, Resolution # O0716-032	13.	Amended – June 2023, Resolution #O0623-117
7.	Reviewed – June 2017, Resolution #O0617-133		

1.14 Partial closure of thoroughfare for repairs and maintenance (s.3.50A)

Function Delegated	<p>Authority to partially and temporarily close a thoroughfare, without giving local public notice, if the closure is:</p> <p>(a) for the purpose of carrying out repairs or maintenance; and</p> <p>(b) unlikely to have a significant adverse effect on users of the thoroughfare.</p>
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<p><i>Local Government Act 1995</i></p> <p>s.3.50A – Partial closure of thoroughfare for repairs or maintenance</p>
Power originally assigned to	Local Government
Power to Delegate	<p><i>Local Government Act 1995</i></p> <p>s.5.42 - Delegation of some powers or duties to the CEO</p> <p>s.5.43 - Limitations on delegations to the CEO</p>
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<p><i>Local Government Act 1995</i></p> <p>s.5.44 – CEO may delegate some powers and duties to other employees</p>
Sub-Delegated to	<p>Director Asset Management</p> <p>Director External Services</p>
CEO Conditions	Nil
Compliance Links	<p><i>Local Government Act 1995</i></p> <p>s.3.50 - Closing certain thoroughfares to vehicles</p>

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted - February 2004, Resolution # O0204-0769	8. Reviewed – May 2018, Resolution # O0518-098
2. Reviewed - February 2011, Resolution # O0211-1575	9. Amended – June 2019: Resolution # O0619-120
3. Reviewed - April 2012, Resolution # AP0412-005	10. Reviewed – May 2020, Resolution #O0520-148
4. Reviewed - June 2013, Resolution # O0613-012	11. Reviewed – May 2021, Resolution #O0521-147
5. Reviewed – May 2015, Resolution # O0515-026	12. Reviewed – May 2022, Resolution #O0522-112
6. Reviewed – July 2016, Resolution # O0716-032	13. Amended – June 2023, Resolution #O0623-117
7. Reviewed – June 2017, Resolution # O0617-133	

1.15 Power to remove, impound goods and recover expenses (s.3.39 & s.3.48)

Function Delegated	<p>Authority to</p> <ol style="list-style-type: none"> 1) Remove and impound any goods as per s.3.39 of the Act. 2) Recover from the convicted offender the expenses incurred by removing and impounding the goods and disposing of them, if goods were removed and impounded under s.3.39. 						
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>							
Power being Delegated	<p><i>Local Government Act 1995</i></p> <p>s.3.39 – Power to remove and impound</p> <p>s.3.48 – Impounding expenses, recovery of</p>						
Power originally assigned to	Local Government						
Power to Delegate	<p><i>Local Government Act 1995</i></p> <p>s.5.42 - Delegation of some powers or duties to the CEO</p> <p>s.5.43 - Limitations on delegations to the CEO</p>						
Power Delegated to	Chief Executive Officer						
Council Conditions	Nil						
Power to Sub-Delegate	<p><i>Local Government Act 1995</i></p> <p>s.5.44 – CEO may delegate some powers and duties to other employees</p>						
Sub-Delegated to	<table border="0"> <tr> <td>Director External Services</td><td>Senior Shire Ranger</td></tr> <tr> <td>Manager Waste & Environmental Health</td><td>Shire Ranger</td></tr> <tr> <td></td><td>Manager Ranger & Emergency Services</td></tr> </table>	Director External Services	Senior Shire Ranger	Manager Waste & Environmental Health	Shire Ranger		Manager Ranger & Emergency Services
Director External Services	Senior Shire Ranger						
Manager Waste & Environmental Health	Shire Ranger						
	Manager Ranger & Emergency Services						
CEO Conditions	Shire Ranger and Senior Shire Ranger authority is limited to the removal and impoundment of goods.						
Compliance Links	s.3.47 - Confiscated or uncollected goods, disposal of						

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted - February 2004, Resolution # O0204-0769	8. Reviewed – May 2018, Resolution #O0518-098
2. Reviewed - February 2011, Resolution # O0211-1575	9. Amended – June 2019: Resolution # O0619-120
3. Reviewed - April 2012, Resolution # AP0412-005	10. Reviewed – May 2020, Resolution #O0520-148
4. Reviewed - June 2013, Resolution # O0613-012	11. Reviewed – May 2021, Resolution #O0521-147
5. Reviewed – May 2015, Resolution # O0515-026	12. Amended – May 2022, Resolution #O0522-112
6. Reviewed – July 2016, Resolution # O0716-032	13. Amended – June 2023, Resolution #O0623-117
7. Reviewed – June 2017, Resolution #O0617-133	

1.16 Power to write off debts (s.6.12)

Function Delegated	Authority to write off money which is owed to the local government.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government Act 1995</i> s.6.12 – Power to defer, grant discounts, waive or write off debts
Power originally assigned to	Local Government
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
Power Delegated to	Chief Executive Officer
Council Conditions	Debts up to a value of \$1,000.00 may be written off, conditional upon all avenues of debt recovery action having been exhausted.
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate some powers and duties to other employees
Sub-Delegated to	Director Corporate & Community Services
CEO Conditions	Nil
Compliance Links	Council Policy COR 013: Debt Collection

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted - February 2004, Resolution # O0204-0769	8. Reviewed – May 2018, Resolution # O0518-098
2. Reviewed - February 2011, Resolution # O0211-1575	9. Amended – June 2019: Resolution # O0619-120
3. Reviewed - April 2012, Resolution # AP0412-005	10. Reviewed – May 2020, Resolution #O0520-148
4. Reviewed - June 2013, Resolution # O0613-012	11. Amended – May 2021, Resolution #O0521-147
5. Reviewed – May 2015, Resolution # O0515-026	12. Amended – May 2022, Resolution #O0522-112
6. Reviewed – July 2016, Resolution # O0716-032	13. Amended – June 2023, Resolution #O0623-117
7. Reviewed – June 2017, Resolution # O0617-133	

1.17 Rates or service charges recoverable in court (s.6.56)

Function Delegated	Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government Act 1995</i> s.6.56. Rates or service charges recoverable in court
Power originally assigned to	Local Government
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
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegated to	Director Corporate & Community Services Manager Financial Services
CEO Conditions	Nil
Compliance Links	Council Policy COR 013: Debt Collection

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted - February 2004, Resolution # O0204-0769	8. Reviewed – May 2018, Resolution # O0518-098
2. Reviewed - February 2011, Resolution # O0211-1575	9. Amended – June 2019: Resolution # O0619-120
3. Reviewed - April 2012, Resolution # AP0412-005	10. Reviewed – May 2020, Resolution #O0520-148
4. Reviewed - June 2013, Resolution # O0613-012	11. Reviewed – May 2021, Resolution #O0521-147
5. Reviewed – May 2015, Resolution # O0515-026	12. Amended – May 2022, Resolution #O0522-112
6. Reviewed – July 2016, Resolution # O0716-032	13. Amended – June 2023, Resolution #O0623-117
7. Reviewed – June 2017 Resolution # O0617-133	

1.18 Disposal of sick or injured animals (s.3.47A)

Function Delegated	<p>Authority to</p> <ol style="list-style-type: none"> 1. humanely destroy the animal and dispose of the carcass, if an impounded animal is ill or injured to such an extent that treating it is not practicable; and 2. recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<p><i>Local Government Act 1995</i></p> <p>s.3.47A – Sick or injured animals, disposal of</p> <p>s.3.48 – Impounding expenses, recovery of</p>
Power originally assigned to	Local Government
Power to Delegate	<p><i>Local Government Act 1995</i></p> <p>s.5.42 - Delegation of some powers or duties to the CEO</p> <p>s.5.43 - Limitations on delegations to the CEO</p>
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<p><i>Local Government Act 1995</i></p> <p>s.5.44 – CEO may delegate some powers and duties to other employees</p>
Sub-Delegated to	<p>Director External Services</p> <p>Manager Waste & Environmental Health</p> <p>Senior Shire Ranger</p> <p>Shire Ranger</p> <p>Manager Ranger & Emergency Services</p>
CEO Conditions	Nil
Compliance Links	Nil

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted – July 2015, Resolution #O0715-017	6. Amended – May 2020, Resolution #O0520-148
2. Reviewed – July 2016, Resolution # O0716-032	7. Reviewed – May 2021, Resolution #O0521-147
3. Reviewed – March 2017 Incorrect section referenced now corrected	8. Reviewed – May 2022, Resolution #O0522-112
4. Reviewed – May 2018, Resolution #O0518-098	9. Amended – June 2023, Resolution #O0623-117
5. Amended – June 2019: Resolution # O0619-120	

1.19 Reserves under control of Local Government (s.3.54)	
Function Performed	To provide consent to the Minister for requests made regarding variations to the care, control and management of Shire managed reserves in accordance with Section 46(2) <i>Land Administration Act 1997</i>
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Statutory Power being Delegated:	<i>Local Government Act 1995</i> s.3.54(1) Reserves under control of Local Government
Power is originally assigned to:	Local Government
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
Power Delegated to:	Chief Executive Officer
Conditions on Delegation:	Limited to giving consent of the management body of reserve (being limited to the Shire of Esperance).
Statutory Power to Sub-Delegate:	<i>Local Government Act 1995</i> s.5.44 - CEO may delegate powers and duties to other employees
Power Sub-Delegated to	Director External Services Manager Development Services
CEO Conditions	Limited to giving consent of the management body of reserve (being limited to the Shire of Esperance).
Compliance Links	<i>Local Government Act 1995</i> <i>Land Administration Act 1997</i>
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted - February 2017, Resolution # O0217-032	5. Amended – May 2020, Resolution #O0520-148
2. Reviewed – June 2017 Resolution # O0617-133	6. Reviewed – May 2021, Resolution #O0521-147
3. Reviewed – May 2018, Resolution # O0518-098	7. Reviewed – May 2022, Resolution #O0522-112
4. Amended – June 2019: Resolution #O0619-120	8. Amended – June 2023, Resolution #O0623-117

1.20 Appoint Authorised Persons (s.9.10)

Function Appointed	<p>Officers are appointed as authorised employees for the purpose of fulfilling functions of an authorised person prescribed in the following legislation inclusive of subsidiary legislation under each Act;</p> <ul style="list-style-type: none"> (a) Local Government Act 1995 and its subsidiary legislation, including Local Government Act Regulations, the Local Government (Miscellaneous Provisions) Act 1960 and Local Laws made under the Local Government Act. (b) Caravan Parks and Camping Grounds Act 1995; (c) Cat Act 2011; (d) Cemeteries Act 1986; (e) Control of Vehicles (Off-road Areas) Act 1978; (f) Dog Act 1976; (g) Graffiti Vandalism Act 2016 – refer s.15; and (h) any other legislation prescribed for the purposes of s.9.10 of the Local Government Act 1995.
<p><i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i></p>	
Power of Appointment	s.9.10 – Appointment of authorised persons (Subdivision 1 — Miscellaneous provisions about enforcement)
Appointment power originally assigned to	Chief Executive Officer
Power to Appoint	<p>Local Government Act 1995</p> <p>s.5.44 – CEO may delegate some powers and duties to other employees</p>
Power to Sub-Delegate	N/A
Appointees	<p>Director Asset Management - (a)²</p> <p>Director Corporate & Community Services - (a)²</p> <p>Director External Services - (a, b, c, d, f)^{1, 2}</p> <p>Manager Development Services - (a, b, d)^{1, 2}</p> <p>Manager Financial Services - (a)</p> <p>Manager Waste & Environmental Health - (a, b, c, d, e, f)^{1, 2}</p> <p>Manager Recreation & Culture - (a)</p> <p>Coordinator Building Services - (a)¹</p> <p>Casual Building Surveyor – (a)¹</p> <p>Graduate Building Surveyor - (a)</p> <p>Coordinator Planning Services - (a)¹</p> <p>Customer Experience Officer - (a)</p> <p>Supervisor External Services Customer Experience – (a)</p>

1.20 Appoint Authorised Persons (s.9.10)

	<p>Coordinator Environmental Health - (a, b)¹</p> <p>Environmental Health Officer - (a, b)¹</p> <p>Environmental Health Assistant - (a, b)</p> <p>Senior Shire Ranger - (a, b, c, f)^{1, 2}</p> <p>Shire Ranger - (a, b, c, f)^{1, 2}</p> <p>Regional Transport Officer (Department of Transport) - (b, f)</p> <p>Senior Regional Transport Officer (Department of Transport) - (b, f)</p> <p>Manager Ranger & Emergency Services – (a, b, c, d, e, f)^{1, 2}</p> <p>Coordinator Waste Management – (a, b)</p>
CEO's Conditions	<p>Regional Transport Officers (Department of Transport) have jurisdiction limited to land managed by the Department of Transport.</p> <p>¹ Officers are appointed for the purpose of performing functions under s.9.16 of the <i>Local Government Act 1995</i> and may be appointed as “authorised officers” for the purpose of r.70(2) of the <i>Building Regulations 2012</i>.</p> <p>² Officers are appointed for the purpose of performing functions under s.9.29 of the <i>Local Government Act 1995</i>.</p>
Compliance Links	<p><i>Dog Act 1976</i></p> <p>s.3 – Terms used</p> <p><i>Cat Act 2011</i></p> <p>s.45 – Delegation by CEO of local government</p>

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted - June 2013, Resolution # O0613-012	6. Amended – June 2019: Resolution #O0619-120
2. Reviewed – May 2015, Resolution # O0515-026	7. Amended – May 2020, Resolution #O0520-148
3. Reviewed – July 2016, Resolution # O0716-032	8. Amended – May 2021, Resolution #O0521-147
4. Reviewed – June 2017 Resolution # O0617-133	9. Reviewed – May 2022, Resolution #O0522-112
5. Reviewed – May 2018, Resolution # O0518-098	10. Amended – June 2023, Resolution #O0623-117

PART 2 BUILDING ACT 2011

Appointment as Authorised Officer
Council Resolution required to change Function.

2.1 Appointment of Authorised Persons (s.96 & s.99)		
Function Appointed	Officers are designated as authorised persons under the <i>Building Act 2011</i> .	
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.		
Power of Appointment	Building Act 2011 s.96 - Authorised Person s.99 - Limitation on powers of authorised person	
Appointment power originally assigned to	Local Government	
Power to Appoint	Building Act 2011 s.96 – Authorised Person s.127 – Delegation: Special Permit Authorities and Local Governments	
Appointment Power Delegated to	Chief Executive Officer	
Council Conditions	Nil	
Power to Sub-Delegate Appointment	Local Government Act 1995 s.5.44 – CEO may delegate powers and duties to other employees CEO has elected to not sub-delegate this role	
Appointees	Director External Services Manager Development Services Coordinator Building Services	Casual Building Surveyor Graduate Building Surveyor Customer Experience Officer Supervisor External Services Customer Experience
CEO’s Conditions	Nil	
Compliance Links	Building Act 2011 s.97 - Identity cards	
DELEGATION ADMINISTRATION		
Decision Reference		Decision Reference
1. Adopted – July 2012, Resolution # O0712-065		6. Amended – June 2019: Resolution # O0619-120
2. Reviewed – May 2015, Resolution # O0515-026		7. Reviewed – May 2020, Resolution #O0520-148
3. Reviewed – July 2016, Resolution # O0716-032		8. Amended – May 2021, Resolution #O0521-147

2.1 Appointment of Authorised Persons (s.96 & s.99)

4. Reviewed – June 2017 Resolution # O0617-133	9. Reviewed – May 2022, Resolution #O0522-112
5. Reviewed – May 2018, Resolution # O0518-098	10. Reviewed – June 2023, Resolution #O0623-117

2.2 Powers pursuant to the Building Act 2011

Function Delegated	To undertake the powers of the Local Government for the following sections of the <i>Building Act 2011</i> .
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Building Act 2011</i> s.18 Further Information s.20 Grant of building permit s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.24 Notice of decision not to grant building or demolition permit s.27 Conditions imposed by permit authority s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.60 Notice of decision not grant occupancy permit or grant building approval certificate s.62 Conditions imposed by permit authority s.65 Extension of period of duration s.88 Finishes of walls close to boundaries s.110 Building orders s.111 Notice of proposed building order other than a building order (emergency) s.117 Revocation of building order s.118 Permit authority may give effect to building order if non-compliance s.131 Inspection, copies of building records
Power originally assigned to	Local Government
Power to Delegate	<i>Building Act 2011</i> s.127 – Delegation: Special Permit Authorities and Local Governments
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Building Act 2011</i> s.127 – Delegation: Special Permit Authorities and Local Governments
Sub-Delegated to	Director External Services - (s.18, s.20, s.21, s.22, s.24, s.27, s.55, s.58, s.60, s.62, s.65, s.88, s.110, s.111, s.117, s.118 & s.131) Manager Development Services - (s.18, s.20, s.21, s.22, s.24, s.27, s.55, s.58, s.60, s.62, s.65, s.88, s.110, s.111, s.117, s.118 & s.131) Coordinator Building Services - (s.18, s.20, s.21, s.24, s.27, s.55, s.58, s.60, s.62, s.65 & s.131) Casual Building Surveyor - (s.18, s.20, s.21, s.24, s.27, s.55, s.58, s.60, s.62, s.65 & s.131) Graduate Building Surveyor - (s.18, s.20, s.21, s.27 s.55, s.58, s.62 & s.131)

2.2 Powers pursuant to the Building Act 2011

	<p>Customer Experience Officer – (s.18, s.20, s.21, s.27, s.55, s.58, s.62 & s.65)</p> <p>Supervisor External Services Customer Experience – (s.18, s.20, s.21, s.27, s.55, s.58, s.62 & s.65)</p> <p>Cadet Building Surveyor – (s.18, s.20, s.21, s.27, s.55, s.58, s.62 & s.65)</p>
CEO Conditions	Nil
Compliance Links	<i>Building Regulations 2012</i>
DELEGATION ADMINISTRATION:	
Decision Reference	Decision Reference
1. Adopted – July 2012, Resolution # O0712-065	7. Amended – June 2019: Resolution # O0619-120
2. Reviewed – May 2015, Resolution # O0515-026	8. Reviewed – May 2020, Resolution #O0520-148
3. Reviewed – July 2015, Resolution #O0715-017	9. Amended – May 2021, Resolution #O0521-147
4. Reviewed – July 2016, Resolution # O0716-032	10. Amended – May 2022, Resolution #O0522-112
5. Reviewed – June 2017 Resolution #O0617-133	11. Amended – June 2023, Resolution #O0623-117
6. Reviewed – May 2018, Resolution #O0518-098	12.

PART 3 PUBLIC HEALTH ACT 2016

3.1 Appointment of Environmental Health Officer (s.17)

Function Appointed	Officers are appointed as Environmental Health Officers.	
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.		
Power of Appointment	Public Health Act 2016 s.17 – Appointment of Environmental Health Officers	
Appointment power originally assigned to	Local Government	
Power to Appoint	Public Health Act 2016 s.21 – Enforcement agency may delegate	
Appointment Power Delegated to	Chief Executive Officer	
Council Conditions	Nil	
Power to Sub-Delegate Appointment	Public Health Act 2016 s.21 – Enforcement agency may delegate CEO has elected to not sub-delegate this role	
Appointees	Director External Services Manager Waste & Environmental Health Manager Ranger & Emergency Services	Coordinator Environmental Health Environmental Health Officer
CEO’s Conditions	Nil	
Compliance Links	Public Health Act 2016 s.18 - Chief Health Officer to approve qualifications and experience required by environmental health officers	

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Reviewed – July 2017 Resolution # O0717-161	5. Reviewed – May 2021, Resolution #O0521-147
2. Reviewed – May 2018 Resolution # O0518-098	6. Reviewed – May 2022, Resolution #O0522-112
3. Amended – June 2019: Resolution # O0619-120	7. Reviewed – June 2023, Resolution #O0623-117
4. Amended – May 2020, Resolution #O0520-148	8.

3.2 Designation of Authorised Officers (s.24)	
Function Appointed	Officers are designated as Authorised Officers under the <i>Public Health Act 2016</i> .
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power of Appointment	<i>Public Health Act 2016</i> s.24 – Designation of authorised officers
Appointment power originally assigned to	Local Government
Power to Appoint	<i>Public Health Act 2016</i> s.21 – Enforcement agency may delegate
Appointment Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate Appointment	<i>Public Health Act 2016</i> s.21 – Enforcement agency may delegate CEO has elected to not sub-delegate this role
Appointees	Environmental Health Assistant
CEO's Conditions	Appointees are limited to the powers under the Shire of Esperance Health Local Law.
Compliance Links	<i>Public Health Act 2016</i> 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
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Reviewed – July 2017 Resolution # O0717-161	5. Reviewed – May 2021, Resolution #O0521-147
2. Reviewed – May 2018 Resolution # O0518-098	6. Reviewed – May 2022, Resolution #O0522-112
3. Amended – June 2019: Resolution # O0619-120	7. Reviewed – June 2023, Resolution #O0623-117

3.2 Designation of Authorised Officers (s.24)

4. Amended – May 2020, Resolution #O0520-148	
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PART 4 PLANNING AND DEVELOPMENT ACT 2005

4.1 General administration powers

<p>Function Delegated</p>	<p>Unless the specific power may only be exercised by the Council itself (or is not permitted to be delegated under the provisions of the <i>Local Government Act 1995</i>), the Council hereby delegates authority under Clause 82 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> to the Chief Executive Officer¹ to administer the Scheme and exercise discretionary powers to conditionally or unconditionally approve (or recommend approval for) the following subject to the delegate/s actions being in accordance with the <i>Planning and Development Act 2005</i>, the Local Planning Scheme No. 24, the Acceptable Development requirements of the Residential Design Codes and variations that satisfy the Objectives and Performance Criteria of the Codes, State Planning Policies, relevant Local Laws and adopted Planning Strategies or Policies:</p> <p>a) Except for new buildings in the Commercial zone unless under a value of \$2,000,000 development² and land use applications:</p> <ul style="list-style-type: none"> • where advertising is not necessary; • for which advertising is necessary and there are no objections; • for which advertising is necessary and any comments can be resolved through negotiation with the applicant or appropriately conditioned on the planning consent; • for which advertising is necessary and objections are received which are determined to be frivolous or vexatious by the Chief Executive Officer; • for which comments have been sought from any Government instrumentalities and those recommendations have been satisfactorily addressed or appropriately conditioned on the planning consent. <p>b) Unless the specific power may only be exercised by the Council itself (or is not permitted to be delegated under the provisions of the <i>Local Government Act 1995</i>), the Council hereby delegates authority under Clause 82 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> to the Chief Executive Officer³ to administer the Scheme and exercise discretionary powers to refuse (or recommend refusal for) the following subject to the delegate/s actions being in accordance with the <i>Planning and Development Act 2005</i>, the Local Planning Scheme No. 24, the Acceptable Development requirements of the Residential Design Codes, State Planning Policies and variations that satisfy the Objectives and Performance Criteria of the Codes, relevant Local Laws and adopted Planning Strategies or Policies:</p> <ul style="list-style-type: none"> • Where a planning application is received that is classified as “X” or non-permitted under the provisions of Local Planning Scheme No. 24.
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¹ A list of delegated authority approvals for development and subdivision applications is to be included in each monthly agenda of the Ordinary Council Meeting.

² The *Planning and Development Act 2005* (as amended) defines ‘development’ as follows:

‘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;

³ A list of delegated authority approvals for development and subdivision applications is to be included in each monthly agenda of the Ordinary Council Meeting.

4.1 General administration powers

- Where a request for further information has not been responded to in accordance with Policy EXT 005 Refusal of Planning Applications.
 - Where a planning application is received that is not mentioned in the Zoning and Land Use Table and is not consistent with the objectives of the particular zone.
 - Where a planning application is received that is not consistent with an adopted Local Planning Policy.
- c) Commence advertising of any proposal where so required by the Local Planning Scheme No. 24 or other related legislation and inform or consult with any affected person or statutory authority prior to the application being determined by or on behalf of Council.
- d) Development on reserved land that is consistent with the gazetted purpose of the reserve, the Local Planning Scheme No. 24 and leasing arrangements subject to prior consultation with the reserve manager or the Crown if not under Council control.
- e) Concurrently advertise and subsequently approve or renew planning applications for:
- extractive industries under the Local Planning Scheme No. 24 and Extractive Industries Local Law.⁴
 - kennels under the Local Planning Scheme No. 24 and Dogs Local Law⁵.
- f) Make recommendations to the Western Australian Planning Commission (WAPC) for:
- approval of subdivisions, amalgamations, strata and survey-strata plans, and variations to such applications that comply with the Local Planning Scheme No. 24, any adopted Structure Plan and the adopted Local Planning Strategy;
 - refusal of subdivisions, amalgamations, strata and survey strata plans, and variations to such applications that do not comply with the Local Planning Scheme No. 24, any adopted Structure Plan and the adopted Local Planning Strategy; and
 - clearance of subdivision conditions that comply with the WAPC preliminary approval and Council's applicable development standards including authorization of receipt or refund of bonds, cash (includes cleared cheque) or bank guarantees for associated works.
- g) Administer the State Planning Policies that are referenced into the Local Planning Scheme No. 24.
- h) Determine that a revised plan is considered to contain modifications that are minor and do not amount to a significantly different proposal, do not breach any of the conditions of the approval and do not materially affect the decision given by, or on behalf of, Council or the WAPC.
- i) Determine whether there is compelling evidence to warrant reconsideration of a Council decision whether the decision was made by, or on behalf of Council.
- j) Amend or cancel development approval at the request of the owner.

⁴ Development Approval would normally be issued subject to a condition that an extractive industry licence be obtained under the Extractive Industries Local Law and renewed annually. Therefore, if the use is substantially commenced during the term of the initial planning consent, the use could be continued subject to annual renewal in accordance with the Local Laws.

⁵ Development Approval would normally be issued subject to a condition that a kennel licence be obtained under the Dogs Local Law and renewed annually. Therefore, if the use is substantially commenced during the term of the initial planning consent, the use could be continued subject to annual renewal in accordance with the Local Laws.

4.1 General administration powers

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| | <p>k) Respond, defend and otherwise deal with legal proceedings arising from planning decisions made by, or on behalf of, Council.⁶</p> <p>l) Exercise discretion on behalf of Council to reach determination, where appropriate, of Appeals processed by mediation under the State Administrative Tribunal.</p> <p>m) Exercise discretion on behalf of Council in relation to the Arbitration provisions of the Scheme.</p> <p>n) Make modifications to Scheme Amendments in accordance with directions from the Minister for Transport; Planning; Ports or the Western Australian Planning Commission.</p> <p>o) Agree to accept management orders for reserves provided they have been created under Section 152 of the <i>Planning and Development Act 2005</i>.</p> <p>p) Extend time for a planning consent when there has been no proposed change to the Local Planning Scheme No.24 or supporting planning strategies and policies that would affect the previous approval and any change to the proposed plans is relatively minor.</p> <p>q) Comment on mineral exploration licenses.</p> <p>r) Issue Liquor Licensing Act Section 40 Certificates regarding compliance with relevant planning laws.</p> <p>s) Enter land or buildings for the purposes of administering the Local Planning Scheme No. 24 in accordance with Schedule 2, section 79 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>t) Allow appropriate selection of road names by developers from the Council/Geographic Names Committee approved reserved name list subject to developers being given the opportunity to submit alternative selections to Council</p> <p>u) Determine that a use is consistent or not consistent with the objectives of a zone and determine an application under Section 18.(4) of the Local Planning Scheme No. 24.</p> <p>v) Determine a cash-in-lieu payment for parking spaces in accordance with Schedule 1 Section 12.(b) of the Local Planning Scheme No. 24.</p> <p>w) Issue a written direction under Section 214(2) of the <i>Planning and Development Act 2005</i> to any person undertaking a development that contravenes a Planning Scheme or planning Control Area requirements, to stop and not recommence, the development or part of the development that is undertaken in contravention of the planning scheme or planning control area requirements.</p> <p>x) Issue a written direction under Section 214(3) of the <i>Planning and Development Act 2005</i> if a development has been undertaken in contravention of a planning scheme or interim development order or in contravention of planning control area requirements;</p> <ul style="list-style-type: none"> • to remove, pull down, take up, or alter the development; and • to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority. |
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⁶ Council to be kept informed of any actions that may entail legal representation in Court or in an insurance claim being made against Council.

4.1 General administration powers

This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.

Power being Delegated	<p><i>Local Government Act 1995</i> <i>Planning and Development Act 2005</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Shire of Esperance Local Planning Scheme No 24 Shire of Esperance Extractive Industries Local Law Shire of Esperance Dogs Local Law</p>
Power originally assigned to	Local Government
Power to Delegate	<p><i>Local Government Act 1995</i> s.5.42 – Delegation of some powers or duties to the CEO <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule.2, Part 10, cl.82</p>
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<p><i>Local Government Act 1995</i> s.5.44 – CEO may delegate some powers and duties to other employees <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule.2, Part 10, cl.83</p>
Sub-Delegated to	<p>Director External Services - (a, b, c, d, e, f, g, h, i, j, k, l, m, n, o, p, q, r, s, t, u, v, w & x)) Manager Development Services - (a, b, c, d, e, f, g, h, i, j, k, l, m, n, o, p, q, r, s, t, u, v, w & x) Manager Waste & Environmental Health - (s) Coordinator Building Services – (s) Coordinator Planning Services - (a, b, c, d, e, f, g, h, i, j, k, l, m, n, o, p, q, r, s, t, u & v) Customer Experience Officer - (c, g, q & s) Supervisor External Services Customer Experience – (c, g, q & s) Coordinator Environmental Health – (s) Environmental Health Officer – (s) Environmental Health Assistant – (s) Manager Ranger & Emergency Services – (s) Cadet Planning Officer – (c, g, q & s)</p>
CEO Conditions	Coordinator Planning Services – The power of a) is limited to conditionally or unconditionally approving development where the development is valued at \$6,000,000 or less.
Compliance Links	Part 10 of Schedule 2, <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted – February 2004, Resolution # O0204-0769	10. Reviewed – July 2017 Resolution # O0717-159

4.1 General administration powers

2. Amended– February 2011, Res # O0211-1575 & O0211-1573	11. Reviewed – May 2018 Resolution # O0518-098
3. Reviewed - April 2012, Resolution # AP0412-005	12. Amended – June 2019: Resolution # O0619-120
4. Reviewed - June 2013, Resolution # O0613-012	13. Amended – May 2020, Resolution #O0520-148
5. Reviewed – May 2015, Resolution # O0515-026	14. Amended – July 2020, Resolution #O0720-240
6. Amended – November 2015, Resolution # O1115-030	15. Amended – May 2021, Resolution #O0521-147
7. Reviewed – July 2016, Resolution # O0716-032	16. Amended – March 2022, Resolution #O0322-059
8. Reviewed – September 2016, Resolution # O0916-026	17. Reviewed – May 2022, Resolution #O0522-112
9. Reviewed – June 2017, Resolution #O0617-133	18. Amended – June 2023, Resolution #O0623-117

4.2 Issue infringement notices – Planning (s.228)

Function Delegated	Officers are appointed as Designated Person under the <i>Planning and Development Act 2005</i> , with the authority to issue infringements.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Planning and Development Act 2005</i> s.228 – Giving of infringement notice
Power originally assigned to	Chief Executive Officer
Power to Delegate	<i>Planning and Development Act 2005</i> s.234 – Designated persons, appointment of
Power Delegated to	Director External Services Manager Development Services
CEO Conditions	Nil
Power to Sub-Delegate	Nil
Compliance Links	Nil

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted - June 2013, Resolution # O0613-012	5. Reviewed – May 2020, Resolution #O0520-148
2. Reviewed – May 2015, Resolution # O0515-026	6. Reviewed – May 2021, Resolution #O0521-147
3. Reviewed – July 2016, Resolution # O0716-032	7. Reviewed – May 2022, Resolution #O0522-112
4. Amended – June 2019: Resolution # O0619-120	8. Reviewed – June 2023, Resolution #O0623-117

PART 5 BUSH FIRES ACT 1954

5.1 Appointment of Bush Fire Control Officers & Fire Weather Officers (s.38)

Function Appointed	Officers are appointed as Bush Fire Control Officers and Fire Weather Officers for the purpose of the <i>Bush Fire Act 1954</i> .
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power of Appointment	<i>Bush Fires Act 1954</i> s.38 - Local government may appoint bush fire control officers.
Appointment power originally assigned to	Local Government
Power to Appoint	<i>Bush Fires Act 1954</i> s.48 - Delegation by local governments
Appointment Power Delegated to	Chief Executive Officer
Council Conditions	The appointment is subject to the CEO being satisfied that the person to be authorised as a bush fire control officer has the appropriate qualifications and experience to perform the functions under the <i>Bush Fires Act 1954</i> .
Power to Sub-Delegate Appointment	Not applicable – Sub-delegation is prohibited by s.48 - Delegation by local governments
Appointees	Manager Recreation & Culture Community Emergency Service Manager ¹ Manager Ranger & Emergency Services
CEO's Conditions	¹ Officer appointed as Fire Weather Officer in addition to Bush Fire Control Officer
Compliance Links	<i>Bush Fire Brigades Local Law</i> Council Policy EXT 022: Fire Management – Roadside Burning EXT 024: Bushfire Management

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted - Sept 2015, Resolution # O0915-024	6. Amended – May 2020, Resolution #O0520-148
2. Reviewed – July 2016, Resolution # O0716-032	7. Amended – May 2021, Resolution #O0521-147
3. Reviewed – June 2017 Resolution # O0617-133	8. Reviewed – May 2022, Resolution #O0522-112
4. Reviewed – May 2018, Resolution # O0518-098	9. Amended – June 2023, Resolution #O0623-117

5.1 Appointment of Bush Fire Control Officers & Fire Weather Officers (s.38)

5.	Amended – June 2019: Resolution # O0619-120	
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5.3 Offences and infringements (s.59 & s.59A)

Function Performed	<p>Authority to</p> <ol style="list-style-type: none"> 1) Institute and carry on proceedings against a person for an offence alleged to be committed against this Act. 2) Serve an infringement notice for an offence against this Act.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<p><i>Bush Fires Act 1954</i></p> <p>s.59 - Prosecution of offences</p> <p>s.59A - Alternative procedure – infringement notices</p>
Power originally assigned to	Local Government
Power to Delegate	<p><i>Bush Fires Act 1954</i></p> <p>s.48 - Delegation by local governments</p> <p>s.59 - Prosecution of offences</p>
Power Delegated to	<p>Senior Shire Ranger</p> <p>Shire Ranger</p> <p>Chief Executive Officer</p> <p>Director External Services</p> <p>Manager Waste & Environmental Health</p> <p>Manager Ranger & Emergency Services</p>
Council Conditions	Nil
Power to Sub-Delegate	Not applicable – Sub-delegation is prohibited by s.48 - Delegation by local governments
Compliance Links	<p><i>Bush Fires (Infringements) Regulations 1978</i></p> <p>Council Policy</p> <p>EXT 022: Fire Management – Roadside Burning</p> <p>EXT 024: Bushfire Management</p>

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted – June 2019: Resolution #O0619-120	5. Reviewed – June 2023, Resolution #O0623-117
2. Amended – May 2020, Resolution #O0520-148	6. Amended – August 2023, Resolution #O0823-149
3. Amended – May 2021, Resolution #O0521-147	7. Amended – November 2023, Resolution # O1123-190
4. Reviewed – May 2022, Resolution #O0522-112	8.

PART 6 *FOOD ACT 2008*

6.1 Appoint Authorised Officers (s.122 & s.126)

Function Appointed	Officers are appointed as Authorised Officers and/or Designated Officers for the purpose of issuing infringements under the <i>Food Act 2008</i> .	
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.		
Power of Appointment	Food Act 2008 s.122 Appointment of Authorised Officers s.126 Infringement Notices	
Appointment power originally assigned to	Local Government	
Power to Appoint	Food Act 2008 s.118 - Functions of enforcement agencies and delegation	
Appointment Power Delegated to	Chief Executive Officer	
Council Conditions	Nil	
Power to Sub-Delegate Appointment	Nil - <i>Food Regulations 2009</i> do not provide for sub-delegation.	
Appointees	Authorised Officers Director External Services Manager Waste & Environmental Health Coordinator Environmental Health Environmental Health Officer	Designated Officers (Issuing Infringements) Director External Services Manager Waste & Environmental Health Coordinator Environmental Health Environmental Health Officer Manager Ranger & Emergency Services
CEO's Conditions	Nil	
Compliance Links	Food Act 2008 s.122 - Appointment of authorised officers s.123 - Certificates of authority Department of Health Guidelines: Appointment of Authorised Officers as Meat Inspectors Appointment of Authorised Officers Appointment of Authorised Officers – Designated Officers only (section 126)	

6.1 Appoint Authorised Officers (s.122 & s.126)

Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an authorised officer.

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted - June 2013, Resolution # O0613-012	6. Amended – June 2019: Resolution #O0619-120
2. Reviewed – May 2015, Resolution # O0515-026	7. Amended – May 2020, Resolution #O0520-148
3. Reviewed – July 2016, Resolution # O0716-032	8. Reviewed – May 2021, Resolution #O0521-147
4. Reviewed – June 2017 Resolution # O0617-133	9. Amended – May 2022, Resolution #O0522-112
5. Reviewed – May 2018, Resolution # O0518-098	10. Amended – June 2023, Resolution #O0623-117

6.2 Prohibition orders (s.65, s.66 & s.67)							
Function Performed	<p>Authority to</p> <ol style="list-style-type: none"> 1) Serve a Prohibition order on the proprietor of a food business in accordance with s.65 of the <i>Food Act 2008</i>. 2) Give a Certificate of clearance, where inspection demonstrates compliance with a Prohibition order and any Improvement Notices. 3) 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. 						
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>							
Power being Delegated	<p><i>Food Act 2008</i> s.65 - Prohibition order s.66 - Certificate of clearance to be given in certain circumstances s.67 - Request for re-inspection</p>						
Power originally assigned to	Local Government						
Power to Delegate	<p><i>Food Act 2008</i> s.118 - Functions of enforcement agencies and delegation</p>						
Power Delegated to	<table border="0"> <tr> <td>Chief Executive Officer</td><td>Coordinator Environmental Health</td></tr> <tr> <td>Director External Services</td><td>Environmental Health Officer</td></tr> <tr> <td>Manager Waste & Environmental Health</td><td>Manager Ranger & Emergency Services</td></tr> </table>	Chief Executive Officer	Coordinator Environmental Health	Director External Services	Environmental Health Officer	Manager Waste & Environmental Health	Manager Ranger & Emergency Services
Chief Executive Officer	Coordinator Environmental Health						
Director External Services	Environmental Health Officer						
Manager Waste & Environmental Health	Manager Ranger & Emergency Services						
Council Conditions	Nil						
Power to Sub-Delegate	Nil - <i>Food Regulations 2009</i> do not provide for sub-delegation.						
Compliance Links	<p><i>Food Act 2008</i> s.62 - Grounds for serving improvement notice s.63 - Improvement notice may require certain action to be taken <i>Food Regulations 2009</i> Department of Health <i>Food Act 2008</i> Regulatory Guideline No.1: Introduction of Regulatory Food Safety Auditing in WA Food Unit Fact Sheet 8: Guide to Regulatory Guideline No.1: WA Priority Classification System <i>Food Act 2008</i> Verification of Food Safety Program Guideline</p>						
DELEGATION ADMINISTRATION							
Decision Reference	Decision Reference						
1. Adopted - June 2013, Resolution # O0613-012	8. Amended – June 2019: Resolution #O0619-120						
2. Reviewed – May 2015, Resolution # O0515-026	9. Reviewed – May 2020, Resolution #O0520-148						
3. Amended – March 2016, Resolution # O0316-023	10. Reviewed – May 2021, Resolution #O0521-147						

6.2 Prohibition orders (s.65, s.66 & s.67)

4. Reviewed – July 2016, Resolution # O0716-032	11. Amended – May 2022, Resolution #O0522-112
5. Reviewed – Sept 2017, Resolution # O0916-026	12. Reviewed – June 2023, Resolution #O0623-117
6. Reviewed – June 2017 Resolution # O0617-133	13. Amended – August 2023, Resolution #O0823-149
7. Reviewed – May 2018, Resolution # O0518-098	14. Amended – November 2023, Resolution # O1123-190

6.3 Registration of food business (s.110 & s.112)							
Function Performed	<p>Authority to</p> <ol style="list-style-type: none"> 1) Consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration. 2) Vary the conditions or cancel the registration of a food business. 						
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>							
Power being Delegated	<p><i>Food Act 2008</i></p> <p>s.110 - Registration of food business</p> <p>s.112 - Variation of conditions or cancellation of registration of food businesses</p>						
Power originally assigned to	Local Government						
Power to Delegate	<p><i>Food Act 2008</i></p> <p>s.118 - Functions of enforcement agencies and delegation</p>						
Power Delegated to	<table> <tr> <td>Chief Executive Officer</td><td>Coordinator Environmental Health</td></tr> <tr> <td>Director External Services</td><td>Environmental Health Officer</td></tr> <tr> <td>Manager Waste & Environmental Health</td><td>Manager Ranger & Emergency Services</td></tr> </table>	Chief Executive Officer	Coordinator Environmental Health	Director External Services	Environmental Health Officer	Manager Waste & Environmental Health	Manager Ranger & Emergency Services
Chief Executive Officer	Coordinator Environmental Health						
Director External Services	Environmental Health Officer						
Manager Waste & Environmental Health	Manager Ranger & Emergency Services						
Council Conditions	Nil						
Power to Sub-Delegate	Nil - <i>Food Regulations 2009</i> do not provide for sub-delegation.						
Compliance Links	<p><i>Food Act 2008</i></p> <p><i>Food Regulations 2009</i></p> <p>Department of Health</p> <p><i>Food Act 2008</i> Regulatory Guideline No.1: Introduction of Regulatory Food Safety Auditing in WA</p> <p>Food Unit Fact Sheet 8: Guide to Regulatory Guideline No.1: WA Priority Classification System <i>Food Act 2008</i></p> <p>Verification of Food Safety Program Guideline</p>						
DELEGATION ADMINISTRATION							
Decision Reference	Decision Reference						
1. Adopted - June 2013, Resolution # O0613-012	8. Amended – June 2019: Resolution #O0619-120						
2. Reviewed – May 2015, Resolution # O0515-026	9. Reviewed – May 2020, Resolution #O0520-148						
3. Amended – March 2016 Resolution # O0316-023	10. Reviewed – May 2021, Resolution #O0521-147						
4. Reviewed – July 2016, Resolution # O0716-032	11. Reviewed – May 2022, Resolution #O0522-112						
5. Reviewed – Sept 2016, Resolution #O0916-026	12. Reviewed – June 2023, Resolution #O0623-117						

6.3 Registration of food business (s.110 & s.112)

6. Reviewed – June 2017 Resolution # O0617-133	13. Amended – August 2023, Resolution #O0823-149
7. Reviewed – May 2018, Resolution # O0518-098	14. Amended – November 2023, Resolution # O1123-190

PART 7 DOG ACT 1976

7.1 Appoint Registration Officers (s.3)

Function Appointed	Officers are appointed as Registration Officers for the purpose of the <i>Dog Act 1976</i> .
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power of Appointment	<i>Dog Act 1976</i> s.3 - Terms Used
Appointment power originally assigned to	Local Government
Power to Appoint	<i>Dog Act 1976</i> s.10AA - Delegation of local government powers and duties
Appointment Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate Appointment	<i>Dog Act 1976</i> s.10AA - Delegation of local government powers and duties CEO has elected to not sub-delegate this role
Appointees	Senior Shire Ranger Shire Ranger Customer Experience Officer Customer Service & Licensing Officer Club & Community Development Officer Supervisor External Service Customer Experience Manager Ranger & Emergency Services
CEO's Conditions	Nil
Compliance Links	<i>Dog Act 1976</i> s.3 - Terms used
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted – June 2019: Resolution #O0619-120	4. Reviewed – May 2022, Resolution #O0522-112

7.1 Appoint Registration Officers (s.3)

2. Reviewed – May 2020, Resolution #O0520-148	5. Reviewed – June 2023, Resolution #O0623-117
3. Amended – May 2021, Resolution #O0521-147	6.

7.2 Keeping of dogs (number of) (s.26)

Function Performed	Authority to grant exemptions to the number of dogs that may be kept in or on premises.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Dog Act 1976</i> s.26(3) – Limitation as to numbers
Power originally assigned to	Local Government
Power to Delegate	<i>Dog Act 1976</i> s.10AA – Delegation of local government powers and duties
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Dog Act 1976</i> s.10AA – Delegation of local government powers and duties
Power Sub-Delegated to	Director External Services Manager Waste & Environmental Health Manager Ranger & Emergency Services
CEO Conditions	Nil
Compliance Links	Dogs Local Law

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted - November 2014, Resolution # O1114-015	6. Amended – May 2020, Resolution #O0520-148
2. Reviewed – July 2016, Resolution # O0716-032	7. Amended – May 2021, Resolution #O0521-147
3. Reviewed – June 2017 Resolution # O0617-133	8. Reviewed – May 2022, Resolution #O0522-112
4. Reviewed – May 2018, Resolution # O0518-098	9. Amended – June 2023, Resolution #O0623-117
5. Amended – June 2019: Resolution #O0619-120	

PART 8 CAT ACT 2011

8.1 Cat Registrations

Function Performed	<p>Authority to</p> <ol style="list-style-type: none"> grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)]. 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)]. cancel a cat registration [s.10]. 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)]. reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire of Esperance's District [Regs. Sch. 3 cl.1(4)].
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<p><i>Cat Act 2011</i> s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags <i>Cat Regulations 2012</i> Scheduled 3, cl.1(4) Fees Payable</p>
Power originally assigned to	Local Government
Power to Delegate	<p><i>Cat Act 2011</i> s.44 Delegation by local government</p>
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<p><i>Cat Act 2011</i> s.45 Delegation by CEO of local government</p>
Power Sub-Delegated to	<p>Director External Services Manager Waste & Environmental Health Senior Shire Ranger Shire Ranger Customer Experience Officer Customer Service & Licensing Officer Club & Community Development Officer Supervisor External Service Customer Experience</p>

8.1 Cat Registrations	
	Manager Ranger & Emergency Services
CEO Conditions	Nil
Compliance Links	<p><i>Cat Regulations 2012</i></p> <ul style="list-style-type: none"> r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration. r.12 Period of registration (s.9(7)) r.11 Changes in registration r.14 Registration certificate (s.11(1)(b)) r.15 Registration tags (s.76(2)) <p>Decisions are subject to Objection and Review by the State Administration Tribunal rights – refer Part 4, Division 5 of the Cat Act 2011.</p>
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted – June 2023, Resolution #O0623-117	5.
2.	6.
3.	7.
4.	8.

8.2 Cat Control Notices (s.26)

Function Performed	Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire of Esperance District
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This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.

Power being Delegated	<i>Cat Act 2011</i> s.26 Cat control notice may be given to cat owner
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Power originally assigned to	Local Government
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Power to Delegate	<i>Cat Act 2011</i> s.44 Delegation by local government
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Power Delegated to	Chief Executive Officer
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Council Conditions	Nil
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Power to Sub-Delegate	<i>Cat Act 2011</i> s.45 Delegation by CEO of local government
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Power Sub-Delegated to	Director External Services Manager Waste & Environmental Health Senior Shire Ranger Shire Ranger Customer Experience Officer Supervisor External Service Customer Experience Manager Ranger & Emergency Services
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CEO Conditions	Nil
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Compliance Links	<i>Cat Regulations 2012</i> r.20 Cat control notice (s.23(3)), prescribes the form of the notice
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DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted – June 2023, Resolution #O0623-117	5.
2.	6.
3.	7.
4.	8.

8.3 Recovery of Costs – Destruction of Cats (s.49)

Function Performed	Authority to recover the amount of the costs associated with the destruction and the disposal of a cat.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Cat Act 2011</i> s.49(3) Authorised person may cause cat to be destroyed
Power originally assigned to	Local Government
Power to Delegate	<i>Cat Act 2011</i> s.44 Delegation by local government
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Cat Act 2011</i> s.45 Delegation by CEO of local government
Power Sub-Delegated to	Director External Services Manager Waste & Environmental Health Senior Shire Ranger Shire Ranger Customer Experience Officer Supervisor External Service Customer Experience Manager Ranger & Emergency Services
CEO Conditions	Nil
Compliance Links	

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted – June 2023, Resolution #O0623-117	5.
2.	6.
3.	7.
4.	8.

8.4 Prosecutions (s.73)	
Function Performed	Authority to commence a prosecution for an offence against the <i>Cat Act 2011</i> or a local law
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Cat Act 2011</i> s.73(1)(b) & (2)(b) Prosecutions
Power originally assigned to	Local Government
Power to Delegate	<i>Cat Act 2011</i> s.44 Delegation by local government
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Cat Act 2011</i> s.45 Delegation by CEO of local government
Power Sub-Delegated to	Director External Services Manager Waste & Environmental Health Senior Shire Ranger Shire Ranger Customer Experience Officer Supervisor External Service Customer Experience Manager Ranger & Emergency Services
CEO Conditions	Nil
Compliance Links	
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted – June 2023, Resolution #O0623-117	5.
2.	6.
3.	7.
4.	8.

PART 9 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960

9.1 Establishing pounds and appointing poundkeepers and Rangers(s.449)

Function Appointed	Officers are appointed as Pound Keepers and Rangers under the <i>Local Government (Miscellaneous Provisions) Act 1960</i> .
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power of Appointment	<i>Local Government (Miscellaneous Provisions) Act 1960</i> s.449 - Pounds, establishing; poundkeepers and rangers, appointing
Appointment power originally assigned to	Local Government
Power to Appoint	<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
Appointment Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate Appointment	<i>Local Government Act 1995</i> s.5.44 - CEO may delegate powers and duties to other employees
Appointees	Director External Services Manager Waste & Environmental Health Senior Shire Ranger Shire Ranger Manager Ranger & Emergency Services
CEO's Conditions	Nil
Compliance Links	<i>Local Government Act 1995</i> <i>Local Government (Miscellaneous Provisions) Act 1960 s.450</i>

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted - June 2013, Resolution # O0613-012	6. Amended – June 2019: Resolution #O0619-120
2. Reviewed – May 2015, Resolution # O0515-026	7. Amended – May 2020, Resolution #O0520-148
3. Reviewed – July 2016, Resolution # O0716-032	8. Reviewed – May 2021, Resolution #O0521-147

9.1 Establishing pounds and appointing poundkeepers and Rangers(s.449)

4. Reviewed – June 2017 Resolution # O0617-133	9. Reviewed – May 2022, Resolution #O0522-112
5. Reviewed – May 2018, Resolution # O0518-098	10. Reviewed – June 2023, Resolution #O0623-117

PART 10 *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT)* REGULATIONS 1996

10.1 Payment of accounts (r.12)

Function Performed	Authority to make payments from the municipal or trust funds.	
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.		
Power being Delegated	Local Government (Financial Management) Regulations 1996 r.12 Payments from municipal fund or trust fund, restrictions on making	
Power originally assigned to	Local Government	
Power to Delegate	Local Government Act 1995 s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO	
Power Delegated to	Chief Executive Officer	
Council Conditions	Nil	
Power to Sub-Delegate	Local Government Act 1995 s.5.44 – CEO may delegate powers and duties to other employees	
Sub-Delegated to	Director Asset Management Director Corporate & Community Services	Director External Services Manager Financial Services
CEO Conditions	Nil	
Compliance Links	Local Government (Financial Management) Regulations 1996 r.13 Payments from municipal fund or trust fund by CEO, CEO’s duties as to etc. Local Government Act 1995 s.6.5 – Accounts and records	

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted - February 2004, Resolution # O0204-0769	7. Reviewed – May 2018, Resolution # O0518-098
2. Reviewed - February 2010, Resolution # O0210-1400	8. Amended – June 2019: Resolution #O0619-120
3. Reviewed - June 2013, Resolution # O0613-012	9. Reviewed – May 2020, Resolution #O0520-148
4. Reviewed – May 2015, Resolution # O0515-026	10. Reviewed – May 2021, Resolution #O0521-147
5. Reviewed – July 2016, Resolution # O0716-032	11. Reviewed – May 2022, Resolution #O0522-112
6. Reviewed – June 2017 Resolution # O0617-133	12. Amended – June 2023, Resolution #O0623-117

PART 11 *LOCAL GOVERNMENT (UNIFORM LOCAL PROVISIONS) REGULATIONS 1996*

11.1 Permission to have gate across public thoroughfare (r.9)

Function Performed	Authority to assess and approve applications to construct a gate or other device across a public thoroughfare managed by the Local Government, that enables motor traffic to pass across the public thoroughfare and prevents livestock from straying.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.9 - Permission to have gate across public thoroughfare — Sch. 9.1 cl. 5(1)
Power originally assigned to	Local Government
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
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees
Sub-Delegated to	Director Asset Management
CEO Conditions	Nil
Compliance Links	<i>Local Government Act 1995</i> s.9.60 & Sch.9.1 cl.5(1)

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted - June 2013, Resolution # O0613-012	6. Amended – June 2019: Resolution #O0619-120
2. Reviewed – May 2015, Resolution # O0515-026	7. Reviewed – May 2020, Resolution #O0520-148
3. Reviewed – July 2016, Resolution # O0716-032	8. Reviewed – May 2021, Resolution #O0521-147
4. Reviewed – June 2017 Resolution # O0617-133	9. Reviewed – May 2022, Resolution #O0522-112
5. Reviewed – May 2018, Resolution # O0518-098	10. Amended – June 2023, Resolution #O0623-117

11.2 Private works on, over, or under public places (r.17)

Function Performed	Authority to grant permission to construct anything on, over or under a public thoroughfare or other public place that is local government property.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.17 - Private works on, over, or under public places — Sch. 9.1 cl.8
Power originally assigned to	Local Government
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
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate some powers and duties to other employees
Sub-Delegated to	Director Asset Management
CEO Conditions	Nil
Compliance Links	<i>Local Government Act 1995</i> s.9.60 - Regulations that operate as local laws Sch 9.1 Cl.8 Private works on, over, or under public places

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted - February 2004, Resolution # O0204-0769	8. Reviewed – May 2018, Resolution # O0518-098
2. Reviewed - February 2011, Resolution # O0211-1575	9. Amended – June 2019: Resolution #O0619-120
3. Reviewed - April 2012, Resolution # AP0412-005	10. Reviewed – May 2020, Resolution #O0520-148
4. Reviewed - June 2013, Resolution # O0613-012	11. Reviewed – May 2021, Resolution #O0521-147
5. Reviewed – May 2015, Resolution # O0515-026	12. Reviewed – May 2022, Resolution #O0522-112
6. Reviewed – July 2016, Resolution # O0716-032	13. Amended – June 2023, Resolution #O0623-117
7. Reviewed – June 2017 Resolution # O0617-133	

11.3 Requirement to construct and repair crossing (r.13)

Function Performed	<p>Authority to</p> <ol style="list-style-type: none"> 1. Give notice to an owner or occupier of land requiring the person to construct or repair a crossing. 2. Construct or repair the crossing if the person fails to comply with the notice, and recover 50% of the cost as a debt due from the person.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<p><i>Local Government (Uniform Local Provisions) Regulations 1996</i></p> <p>r.13 - Requirement to construct or repair crossing — Sch. 9.1 cl. 7(3)</p>
Power originally assigned to	Local Government
Power to Delegate	<p><i>Local Government Act 1995</i></p> <p>s.5.42 - Delegation of some powers or duties to the CEO</p> <p>s.5.43 - Limitations on delegations to the CEO</p>
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<p><i>Local Government Act 1995</i></p> <p>s.5.44 – CEO may delegate some powers and duties to other employees</p>
Sub-Delegated to	Director Asset Management
CEO Conditions	Nil
Compliance Links	<p><i>Local Government Act 1995</i></p> <p>s.9.60(4) – Regulations that operate as local laws</p> <p>Schedule 9.1 cl 7 Council Policy</p> <p>ASS 023: Crossover Construction</p>

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted - February 2004, Resolution # O0204-0769	8. Reviewed – May 2018, Resolution # O0518-098
2. Reviewed - February 2011, Resolution # O0211-1575	9. Amended – June 2019: Resolution #O0619-120
3. Reviewed - April 2012, Resolution # AP0412-005	10. Reviewed – May 2020, Resolution #O0520-148
4. Reviewed - June 2013, Resolution # O0613-012	11. Reviewed – May 2021, Resolution #O0521-147
5. Reviewed – May 2015, Resolution # O0515-026	12. Reviewed – May 2022, Resolution #O0522-112
6. Reviewed – July 2016, Resolution # O0716-032	13. Amended – June 2023, Resolution #O0623-117

11.3 Requirement to construct and repair crossing (r.13)

7. Reviewed – June 2017 Resolution # O0617-133

11.4 Dangerous excavation in or near public thoroughfare (r.11)	
Function Performed	<ol style="list-style-type: none"> 1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)]. 2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)]. 3. Authority to impose conditions on granting permission [ULP r.11(6)]. 4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.11 – Dangerous excavation in or near public thoroughfare Sch. 9.1 cl. 6
Power originally assigned to	Local Government
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
Power Delegated to	Chief Executive Officer
Council Conditions	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Permission may only be granted where, the proponent has: <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
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate some powers and duties to other employees
Sub-delegated to	Director Asset Management Manager Asset Development

11.4 Dangerous excavation in or near public thoroughfare (r.11)	
Compliance Links	<i>Local Government Act 1995</i> Sch.9.1(6)
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted – May 2021, Resolution #O0521-147	3. Amended – June 2023, Resolution #O0623-117
2. Amended – May 2022, Resolution #O0522-112	4.

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

11.5 Obstruction of footpaths and thoroughfares (r.5, r.6, r.7A & r.7)	
	iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate some powers and duties to other employees
Sub-delegated to	<div>Director Asset Management</div> <div>Director External Services</div> <div>Manager Waste & Environmental Health</div> <div>Manager Asset Development</div> <div>Manager Ranger & Emergency Services</div>
Compliance Links	<i>Local Government Act 1995</i> Sch.9.1(3) Determination of Bond Value and Conditions are specified in Delegation 12.6 of the Delegated Authority Manual: Obstruction of public thoroughfare by things placed and left. Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i> .
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted – May 2021, Resolution #O0521-147	6.
2. Amended – May 2022, Resolution #O0522-112	7.
3. Amended – June 2023, Resolution #O0623-117	8.
4.	9.
5.	

11.6 Obstruction of public thoroughfare by things placed and left (r.6)	
Function Performed	<p>When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 12.5:</p> <ol style="list-style-type: none"> 1. Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP r.6(4)(d)]. 2. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b)]. 3. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP r.6(5)(d)].
Power being Delegated	<p><i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.6 – Obstruction of public thoroughfare by things placed and left – Sch 9.1 cl 3(1)(a)</p>
Power originally assigned to	Chief Executive Officer
Power to Delegate	<p><i>Local Government Act 1995</i> s.5.44 – CEO may delegate some powers and duties to other employees</p>
Power Delegated to	<div>Director Asset Management</div> <div>Director External Services</div> <div>Manager Waste & Environmental Health</div> <div>Manager Asset Development</div> <div>Manager Ranger & Emergency Services</div>
CEO Conditions	<ol style="list-style-type: none"> a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 12.5 Obstruction of Footpaths and Thoroughfares. b. Actions under this Delegation must comply with the procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>.
Power to Sub-Delegate	N/A
Compliance Links	<p>This delegated authority is effective only in alignment with Delegated Authority 12.5 Obstructions of Footpaths and Thoroughfares.</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i></p>
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted – May 2021, Resolution #O0521-147	3. Amended – June 2023, Resolution #O0623-117
2. Reviewed – May 2022, Resolution #O0522-112	4.

PART 12 HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911

12.1 Appointment of Deputies (s.24)

Function Appointed	Officers are appointed as Deputies to carry out the powers and functions of the Local Government under the <i>Health (Miscellaneous Provisions) Act 1911</i> and the regulations, local laws and orders made thereunder.	
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.		
Power of Appointment	Health (Miscellaneous Provisions) Act 1911 s.26 - Powers of local government	
Appointment power originally assigned to	Local Government	
Power to Appoint	Health (Miscellaneous Provisions) Act 1911 s.26 - Powers of local government	
Appointees	Chief Executive Officer Director External Services	Manager Waste & Environmental Health Coordinator Environmental Health Manager Ranger & Emergency Services
Council Conditions	Nil	
Power to Sub-Delegate Appointment	N/A	
Compliance Links	Nil	
DELEGATION ADMINISTRATION		
Decision Reference		Decision Reference
1. Adopted – August 2019, Resolution #O0819-170		5. Amended – June 2023, Resolution #O0623-117
2. Amended – May 2020, Resolution #O0520-148		6. Amended – August 2023, Resolution #O0823-149
3. Reviewed – May 2021, Resolution #O0521-147		7. Amended – November 2023, Resolution # O1123-190
4. Reviewed – May 2022, Resolution #O0522-112		8.

PART 13 HEALTH (ASBESTOS) REGULATIONS 1992

13.1 Appoint Authorised and Approved Officers (r.15D)

Function Appointed	Officers are appointed as Authorised Officers for the purpose of the <i>Criminal Procedure Act 2004</i> to issue infringements under the <i>Health (Asbestos) Regulations 1992</i>
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power of Appointment	<i>Health (Asbestos) Regulations 1992</i> r.15D – Infringement Notices
Appointment power originally assigned to	Local Government
Power to Appoint	<i>Health (Asbestos) Regulations 1992</i> r.15D – Infringement Notices
Appointment Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate Appointment	Nil
Appointees	Manager Waste & Environmental Health Coordinator Environmental Health Environmental Health Officer Manager Ranger & Emergency Services
CEO's Conditions	Nil
Compliance Links	<i>Criminal Procedure Act 2004</i> Part 2 - Dealing with alleged offenders without prosecuting them
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted – August 2019, Resolution #O0819-170	5. Amended – June 2023, Resolution #O0623-117
2. Reviewed – May 2020, Resolution #O0520-148	6.
3. Reviewed – May 2021, Resolution #O0521-147	7.
4. Reviewed – May 2022, Resolution #O0522-112	8.

PART 14 BUILDING REGULATIONS 2012

14.1 Appoint Approved and Authorised Officers (r.70)

Function Appointed	Officers are appointed as Authorised Officers for the purpose of the <i>Criminal Procedure Act 2004</i> to issue infringements under the <i>Building Regulations 2012</i>	
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>		
Power of Appointment	<i>Building Regulations 2012</i> r.70 – Approved Officers and Authorised Officers	
Appointment power originally assigned to	Local Government	
Power to Appoint	<i>Building Regulations 2012</i> r.70 – Approved Officers and Authorised Officers	
Power Delegated to	Authorised Officer (Issue Infringements) Director External Services Manager Development Services Coordinator Building Services	Approved Officer (Withdraw Infringements) Chief Executive Officer
Council Conditions	Officers authorised for this purpose must first be authorised under s.9.16 of the <i>Local Government Act 1995</i> .	
Power to Sub-Delegate Appointment	N/A	
Compliance Links	<i>Criminal Procedure Act 2004</i> Part 2 - Dealing with alleged offenders without prosecuting them s.6(a) s.6(b) <i>Local Government Act 1995</i> 9.10 - Appointment of authorised persons 9.16 - Notice, giving of to alleged offender 9.19 – Extension of time 9.20 – Withdrawal of notice	

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted – May 2020, Resolution #O0520-148	5. Amended – June 2023, Resolution #O0623-117
2. Amended – May 2021, Resolution #O0521-147	6.
3. Amended – May 2022, Resolution #O0522-112	7.

14.1 Appoint Approved and Authorised Officers (r.70)

4. Amended – August 2022, Resolution #O0822-186

8.

PART 15 *FINES, PENALTIES AND INFRINGEMENT NOTICES ENFORCEMENT ACT 1994*

15.1 Registration of infringement notice (s.16 & s.22)	
Function Performed	Officers are appointed as Prosecuting Officers to register and withdraw infringements with the Fines and Enforcements Registry.
Power being Delegated	<i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i> s.16 – Registration of infringement notice: enforcement certificate s.22 – Prosecuting authority may withdraw proceedings
Power originally assigned to	Chief Executive Officer
Power to Delegate	<i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i> s.13(3) – Approved prosecuting authorities and officers
Power Delegated to	Director External Services Manager Waste & Environmental Health Senior Shire Ranger Shire Ranger Customer Experience Officer Supervisor External Service Customer Experience Manager Ranger & Emergency Services
Council Conditions	Authorised Prosecutions Officers must ensure they have written permission from the Chief Executive Officer before withdrawing proceedings in accordance with s.22 of the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i> .
Power to Sub-Delegate	N/A
Compliance Links	<i>Fines, Penalties and Infringement Notices Enforcement Regulations 1994</i> r.11A – Giving documents to Registry by means of ECMS
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted February 2021 – O0221-051	6.
2. Amended – May 2021, Resolution #O0521-147	7.
3. Amended – March 2022, Resolution #O0322-061	8.
4. Amended – May 2022, Resolution #O0522-112	9.
5. Amended – June 2023, Resolution #O0623-117	

PART 16 ROAD TRAFFIC (ADMINISTRATION) ACT 2008

16.1 Request Information (s.14)

Function Delegated	Nominate Prescribed Persons to the CEO of the Public Authority for the purpose of requesting information on an ad hoc basis from the Department of Transport, Driver and Vehicle Services (DVS) and Release of Information (ROI) section via email.	
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.		
Power being Delegated	Road Traffic (Administration) Act 2008 s.14 – Disclosure of information to prescribed persons Road Traffic (Administration) Regulations 2014 r.7 – Disclosure of information to prescribed persons	
Power originally assigned to	Chief Executive Officer	
Power to Delegate	r.7(2)(n) Disclosure of information to prescribed persons	
Nominated persons	Director External Services Manager Waste & Environmental Health	Senior Shire Ranger Shire Ranger Manager Ranger & Emergency Services
CEO Conditions	The information disclosed to the nominated persons will only be used in connection with the administration of the Acts and Regulations specifically the: <ul style="list-style-type: none">Local Government Act 1995;Caravan Parks and Camping Grounds Act 1995;Animal Welfare Act 2002;Dog Act 1976;Litter Act 1979;Cat Act 2011;Local Government (Miscellaneous Provisions) Act 1960; andBush Fires Act 1954. Any information provided by the Department of Transport cannot be used for a purpose other than the authorised purpose for which it was disclosed.	
Compliance Links	Road Traffic (Administration) Act 2008 Road Traffic (Administration) Regulations 2014 Local Government Act 1995	

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted - May 2015 #O0515-026	5. Reviewed – May 2022, Resolution #O0522-112
2. Reviewed – July 2016, Resolution # O0716-032	6. Amended – June 2023, Resolution #O0623-117
3. Reviewed – May 2020, Resolution #O0520-148	7.
4. Amended – May 2021, Resolution #O0521-147	8.