



# Delegated Authority Manual 2024/2025

Chief Executive Officer to Authorised  
Persons

**SHIRE OF ESPERANCE USE ONLY**

This document is uncontrolled once printed.

Reviewed: May 2024

D24/15222

## 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.*

## CONTENTS

PART 1	Local Government Act 1995.....	5
1.1	Expressions of Interest, Tenders and Pre-qualified Suppliers (s.3.57).....	5
1.2	Agreement as to payment of rates and service charges (s.6.49).....	7
1.3	Powers of entry (s.3.28 & s.3.34).....	8
1.4	Certain provisions about land (s.3.25, s.3.26 & s.3.27).....	10
1.5	Enforcement and legal proceedings (s. 9.19, 9.20 & 9.24).....	12
1.6	Closing certain thoroughfares to vehicles (s.3.50).....	13
1.7	Declaring a vehicle as an abandoned vehicle wreck (s.3.40A).....	14
1.8	Disposing of confiscated or uncollected goods (s.3.47).....	15
1.9	Disposing of property (s.3.58).....	16
1.10	Investment of funds (s.6.14).....	18
1.11	Local government may require lessee to pay rent (s.6.60).....	19
1.12	Local laws administration (s.3.18).....	20
1.14	Partial closure of thoroughfare for repairs and maintenance (s.3.50A).....	22
1.15	Power to remove, impound goods and recover expenses (s.3.39 & s.3.48).....	23
1.16	Power to write off debts (s.6.12).....	24
1.17	Rates or service charges recoverable in court (s.6.56).....	25
1.18	Disposal of sick or injured animals (s.3.47A).....	26
1.19	Reserves under control of Local Government (s.3.54).....	27
1.20	Appoint Authorised Persons (s.9.10).....	28
PART 2	Building Act 2011.....	30
2.1	Appointment of Authorised Persons (s.96 & s.99).....	30
2.2	Powers pursuant to the Building Act 2011.....	32
PART 3	Public Health Act 2016.....	34
3.1	Appointment of Environmental Health Officer (s.17).....	34
3.2	Designation of Authorised Officers (s.24).....	35
PART 4	Planning and Development Act 2005.....	37
4.1	General Administration Powers.....	37
4.2	Issue infringement notices – Planning (s.228).....	42
PART 5	Bush Fires Act 1954.....	43
5.1	Appointment of Bush Fire Control Officers & Fire Weather Officers (s.38).....	43
5.3	Offences and infringements (s.59 & s.59A).....	45
PART 6	Food Act 2008.....	46
6.1	Appoint Authorised Officers (s.122 & s.126).....	46
6.2	Prohibition orders (s.65, s.66 & s.67).....	48
6.3	Registration of food business (s.110 & s.112).....	50
PART 7	Dog Act 1976.....	52

	7.1	Appoint Registration Officers (s.3) .....	52
	7.2	Keeping of dogs (number of) (s.26) .....	53
PART 8		Cat Act 2011 .....	54
	8.1	Cat Registrations .....	54
	8.2	Cat Control Notices (s.26) .....	56
	8.3	Recovery of Costs – Destruction of Cats (s.49) .....	57
	8.4	Prosecutions (s.73) .....	58
PART 9		Local Government (Miscellaneous Provisions) Act 1960.....	59
	9.1	Establishing pounds and appointing poundkeepers and Rangers(s.449) .....	59
PART 10		Local Government (Financial Management) Regulations 1996.....	61
	10.1	Payment of accounts (r.12) .....	61
PART 11		Local Government (Uniform Local Provisions) Regulations 1996 .....	62
	11.1	Permission to have gate across public thoroughfare (r.9) .....	62
	11.2	Private works on, over, or under public places (r.17).....	63
	11.3	Requirement to construct and repair crossing (r.13).....	64
	11.4	Dangerous excavation in or near public thoroughfare (r.11).....	65
	11.5	Obstruction of footpaths and thoroughfares (r.5, r.6, r.7A & r.7).....	67
	11.6	Obstruction of public thoroughfare by things placed and left (r.6) .....	69
PART 12		Health (Miscellaneous Provisions) Act 1911 .....	70
	12.1	Appointment of Deputies (s.24).....	70
PART 13		Health (Asbestos) Regulations 1992.....	71
	13.1	Appoint Authorised and Approved Officers (r.15D).....	71
PART 14		Building Regulations 2012.....	72
	14.1	Appoint Approved and Authorised Officers (r.70) .....	72
PART 16		Fines, Penalties and Infringement Notices Enforcement Act 1994.....	74
	16.1	Registration of infringement notice (s.16 & s.22) .....	74
PART 17		Road Traffic (Administration) Act 2008 .....	75
	17.1	Request Information (s.14) .....	75

## PART 1 LOCAL GOVERNMENT ACT 1995

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

<b>Function Delegated</b>	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>	
<b>Power being Delegated</b>	<p><i>Local Government Act 1995</i> s.3.57(1) - Tenders for providing goods or services</p> <p>Local Government (Functions and General) Regulations 1996 Division 2 - Tenders for providing goods or services Division 3 - Panels of pre-qualified suppliers</p>
<b>Power originally assigned to</b>	Local Government
<b>Power to Delegate</b>	<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>
<b>Power Delegated to</b>	Chief Executive Officer
<b>Council Conditions</b>	<ol style="list-style-type: none"> <li>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</li> <li>2. Tenders may only be called where there is a budget allocation for the proposed goods or services</li> <li>3. Subject to goods and services included in the Annual Budget, the delegation is limited to - <ol style="list-style-type: none"> <li>a) Purchases utilising WALGA Preferred Suppliers, not exceeding a value of \$250,000</li> <li>b) Quotes utilising a pre-qualified supplier who is part of a panel of pre-qualified suppliers, not exceeding a value of \$250,000</li> <li>c) Tenders not exceeding a value as per the Regulations excluding schedule of rates Tenders</li> </ol> </li> <li>4. Council consider a minor variation before entering into a contract to be 10% of the contract sum</li> <li>5. In accordance with Division 3 - Panels of pre-qualified suppliers, applicants may only be appointed to a panel by Council Decision</li> </ol>
<b>Power to Sub-Delegate</b>	<p><i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees</p>
<b>Sub-Delegated to</b>	<p>Director Corporate &amp; Community Services Director Asset Management Director External Services</p>
<b>CEO Conditions</b>	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)

<b>Compliance Links</b>	<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</p> <p>Procurement Policy</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 – May 2024, Resolution #O0524-059
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)

<b>Function Delegated</b>	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>	
<b>Power being Delegated</b>	<i>Local Government Act 1995</i> s.6.49 – Agreement as to payment of rates and service charges
<b>Power originally assigned to</b>	Local Government
<b>Power to Delegate</b>	<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
<b>Power Delegated to</b>	Chief Executive Officer
<b>Council Conditions</b>	Nil
<b>Power to Sub-Delegate</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees
<b>Sub-Delegated to</b>	Director Corporate & Community Services Manager Financial Services
<b>CEO Conditions</b>	Nil
<b>Compliance Links</b>	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	14. Reviewed – May 2024, Resolution #O0524-059

1.3 Powers of entry (s.3.28 & s.3.34)			
<b>Function Delegated</b>	<p>Authority to</p> <ul style="list-style-type: none"> <li>a) 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;</li> <li>b) 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.</li> </ul>		
<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>			
<b>Power being Delegated</b>	<p><i>Local Government Act 1995</i>  s.3.28 - When this Subdivision applies (Subdivision 3 — Powers of entry)  s.3.34 - Entry in emergency</p>		
<b>Power originally assigned to</b>	Local Government		
<b>Power to Delegate</b>	<p><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</p>		
<b>Power Delegated to</b>	Chief Executive Officer		
<b>Council Conditions</b>	Nil		
<b>Power to Sub-Delegate</b>	<p><i>Local Government Act 1995</i>  s.5.44 – CEO may delegate powers and duties to other employees</p>		
<b>Sub-Delegated to</b>	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"> Director Asset Management  Director Corporate &amp; Community Services  Director External Services  Manager Development Services  Manager Waste &amp; Environmental Health  Coordinator Building Services  Casual Building Surveyor  Manager Ranger &amp; Emergency Services </td> <td style="width: 50%;"> Graduate Building Surveyor  Coordinator Planning Services  Coordinator Environmental Health  Environmental Health Officer  Cadet Environmental Health Officer  Senior Shire Ranger  Shire Ranger </td> </tr> </table>	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 Cadet Environmental Health Officer Senior Shire Ranger Shire Ranger
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 Cadet Environmental Health Officer Senior Shire Ranger Shire Ranger		
<b>CEO Conditions</b>	Nil		
<b>Compliance Links</b>	<p><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</p>		
DELEGATION ADMINISTRATION			
<b>Decision Reference</b>	<b>Decision Reference</b>		
1. Adopted - June 2013, Resolution # O0613-012	7. Amended – May 2020, Resolution #O0520-148		



### 1.3 Powers of entry (s.3.28 & s.3.34)

2. Reviewed – May 2015, Resolution # O0515-026	8. Reviewed – May 2021, Resolution #O0521-147
3. Reviewed – July 2016, Resolution # O0716-032	9. Amended – May 2022, Resolution #O0522-112
4. Reviewed – June 2017, Resolution #O0617-133	10. Reviewed – June 2023, Resolution #O0623-117
5. Reviewed – May 2018, Resolution #O0518-098	11. Reviewed – May 2024, Resolution #O0524-059
6. Amended – June 2019: Resolution # O0619-120	12.

<b>1.4 Certain provisions about land (s.3.25, s.3.26 &amp; s.3.27)</b>			
<b>Function Delegated</b>	<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>			
<b>Power being Delegated</b>	<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>		
<b>Power originally assigned to</b>	Local Government		
<b>Power to Delegate</b>	<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>		
<b>Power Delegated to</b>	Chief Executive Officer		
<b>Council Conditions</b>	Nil		
<b>Power to Sub-Delegate</b>	<p><i>Local Government Act 1995</i></p> <p>s.5.44 – CEO may delegate powers and duties to other employees</p>		
<b>Sub-Delegated to</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;">           Director Asset Management            Director External Services            Manager Development Services            Manager Waste &amp; Environmental Health         </td> <td style="width: 50%; vertical-align: top;">           Coordinator Environmental Health            Environmental Health Officer            Senior Shire Ranger (s.3.25 &amp; s.3.27)            Shire Ranger (s.3.25 &amp; s.3.27)            Manager Ranger &amp; Emergency Services         </td> </tr> </table>	Director Asset Management Director External Services Manager Development Services Manager Waste & Environmental Health	Coordinator Environmental Health Environmental Health Officer Senior Shire Ranger (s.3.25 & s.3.27) Shire Ranger (s.3.25 & s.3.27) Manager Ranger & Emergency Services
Director Asset Management Director External Services Manager Development Services Manager Waste & Environmental Health	Coordinator Environmental Health Environmental Health Officer Senior Shire Ranger (s.3.25 & s.3.27) Shire Ranger (s.3.25 & s.3.27) Manager Ranger & Emergency Services		
<b>CEO Conditions</b>	Nil		
<b>Compliance Links</b>	<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>		

## 1.4 Certain provisions about land (s.3.25, s.3.26 & s.3.27)

### DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted - June 2013, Resolution # O0613-012	7. Reviewed – May 2020, Resolution #O0520-148
2. Reviewed – May 2015, Resolution # O0515-026	8. Reviewed – May 2021, Resolution #O0521-147
3. Reviewed – July 2016, Resolution # O0716-032	9. Reviewed – May 2022, Resolution #O0522-112
4. Reviewed – June 2017, Resolution #O0617-133	10. Reviewed – June 2023, Resolution #O0623-117
5. Reviewed – May 2018, Resolution #O0518-098	11. Reviewed – May 2024, Resolution #O0524-059
6. Amended – June 2019: Resolution # O0619-120	12.

1.5 Enforcement and legal proceedings (s. 9.19, 9.20 & 9.24)	
<b>Function Delegated</b>	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>	
<b>Power being Delegated</b>	<i>Local Government Act 1995</i> s.9.19 – Extension of time s.9.20 – Withdrawal of notice s.9.24 – Prosecutions, commencing
<b>Power originally assigned to</b>	Local Government
<b>Power to Delegate</b>	<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
<b>Power Delegated to</b>	Chief Executive Officer
<b>Council Conditions</b>	Nil
<b>Power to Sub-Delegate</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees
<b>Sub-Delegated to</b>	Director External Services – (s.9.19 & s.9.24) Manager Development Services – (s.9.19) Coordinator Planning Services - (s.9.19) Manager Ranger & Emergency Services – (s.9.19)
<b>CEO Conditions</b>	Nil
<b>Compliance Links</b>	<i>Road Traffic (Vehicles) Act 2012</i>

### DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted - June 2013, Resolution # O0613-012	7. Reviewed – May 2020, Resolution #O0520-148
2. Reviewed – May 2015, Resolution # O0515-026	8. Reviewed – May 2021, Resolution #O0521-147
3. Reviewed – July 2016, Resolution # O0716-032	9. Amended – May 2022, Resolution #O0522-112
4. Reviewed – June 2017, Resolution #O0617-133	10. Amended – June 2023, Resolution #O0623-117
5. Reviewed – May 2018, Resolution #O0518-098	11. Reviewed – May 2024, Resolution #O0524-059
6. Amended – June 2019: Resolution # O0619-120	12.

## 1.6 Closing certain thoroughfares to vehicles (s.3.50)

<b>Function Delegated</b>	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>	
<b>Power being Delegated</b>	<i>Local Government Act 1995</i> s.3.50 – Closing certain thoroughfares to vehicles
<b>Power originally assigned to</b>	Local Government
<b>Power to Delegate</b>	<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
<b>Power Delegated to</b>	Chief Executive Officer
<b>Council Conditions</b>	Nil
<b>Power to Sub-Delegate</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees
<b>Sub-Delegated to</b>	Director Asset Management
<b>CEO Conditions</b>	Nil
<b>Compliance Links</b>	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	14. Reviewed – May 2024, Resolution #O0524-059

## 1.7 Declaring a vehicle as an abandoned vehicle wreck (s.3.40A)

<b>Function Delegated</b>	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>		
<b>Power being Delegated</b>	<i>Local Government Act 1995</i> s.3.40A – Abandoned vehicle wreck may be taken	
<b>Power originally assigned to</b>	Local Government	
<b>Power to Delegate</b>	<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	
<b>Power Delegated to</b>	Chief Executive Officer	
<b>Council Conditions</b>	Nil	
<b>Power to Sub-Delegate</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees	
<b>Sub-Delegated to</b>	Director External Services Manager Ranger & Emergency Services	Senior Shire Ranger Shire Ranger
<b>CEO Conditions</b>	Nil	
<b>Compliance Links</b>	<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	14. Reviewed – May 2024, Resolution #O0524-059

1.8 Disposing of confiscated or uncollected goods (s.3.47)	
<b>Function Delegated</b>	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>	
<b>Power being Delegated</b>	<i>Local Government Act 1995</i> s.3.47 – Confiscated or uncollected goods, disposal of
<b>Power originally assigned to</b>	Local Government
<b>Power to Delegate</b>	<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
<b>Power Delegated to</b>	Chief Executive Officer
<b>Council Conditions</b>	Nil
<b>Power to Sub-Delegate</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate some powers & duties to other employees
<b>Sub-Delegated to</b>	Director External Services                      Manager Ranger & Emergency Services
<b>CEO Conditions</b>	Nil
<b>Compliance Links</b>	<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	14. Amended – May 2024, Resolution #O0524-059

<b>1.9 Disposing of property (s.3.58)</b>	
<b>Function Delegated</b>	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>	
<b>Power being Delegated</b>	<i>Local Government Act 1995</i> s.3.58 - Disposing of Property
<b>Power originally assigned to</b>	Local Government
<b>Power to Delegate</b>	<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
<b>Power Delegated to</b>	Chief Executive Officer
<b>Council Conditions</b>	<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>3. Authority to determine the method of disposal - <ol style="list-style-type: none"> <li>a. Where a public auction is determined as the method of disposal - <ol style="list-style-type: none"> <li>i. a reserve price has been set through independent valuation;</li> <li>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.</li> </ol> </li> <li>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.</li> <li>c. Where a direct negotiation is determined [s.3.58(3)] as the method of disposal, authority to - <ol style="list-style-type: none"> <li>i. negotiate the sale of the property up to a 10% variance below the valuation; and</li> <li>ii. consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a determination are recorded.</li> </ol> </li> </ol> </li> </ol>
<b>Power to Sub-Delegate</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate some powers and duties to other employees
<b>Sub-Delegated to</b>	Director Asset Management
<b>CEO Conditions</b>	Authority to dispose of property is limited to plant, equipment or property less than \$20,000 in accordance with Council Conditions.
<b>Compliance Links</b>	<i>Local Government Function and General Regulations 1996</i> r.30 - Dispositions of property excluded from Act s. 3.58



## 1.9 Disposing of property (s.3.58)

Council Policy  
Asset Disposal Policy

### DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted – May 2010, Resolution # O0510-1456	9. Reviewed – May 2018, Resolution # O0518-098
2. Reviewed - February 2011, Resolution # O0211-1575	10. Amended – June 2019: Resolution # O0619-120
3. Reviewed - May 2012, Resolution # AP0412-005	11. Amended – May 2020, Resolution #O0520-148
4. Reviewed – December 2012, Resolution # O1212-062	12. Reviewed – May 2021, Resolution #O0521-147
5. Reviewed - June 2013, Resolution # O0613-012	13. Reviewed – May 2022, Resolution #O0522-112
6. Reviewed – May 2015, Resolution # O0515-026	14. Amended – June 2023, Resolution #O0623-117
7. Reviewed – July 2016, Resolution # O0716-032	15. Amended – May 2024, Resolution #O0524-059
8. Reviewed – June 2017 Resolution # O0617-133	16.

## 1.10 Investment of funds (s.6.14)

<b>Function Delegated</b>	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>	
<b>Power being Delegated</b>	<i>Local Government Act 1995</i> s.6.14 – Power to invest
<b>Power originally assigned to</b>	Local Government
<b>Power to Delegate</b>	<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
<b>Power Delegated to</b>	Chief Executive Officer
<b>Council Conditions</b>	Nil
<b>Power to Sub-Delegate</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate some powers and duties to other employees
<b>Sub-Delegated to</b>	Director Corporate & Community Services Manager Financial Services
<b>CEO Conditions</b>	Nil
<b>Compliance Links</b>	<i>Local Government (Financial Management) Regulations 1996</i> r.19 - Investments, control procedures for Council Policy Investment Policy

### 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	14. Amended – May 2024, Resolution #O0524-059

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

<b>Function Delegated</b>	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>	
<b>Power being Delegated</b>	<i>Local Government Act 1995</i> s.6.60 – Local Government may require lessee to pay rent
<b>Power originally assigned to</b>	Local Government
<b>Power to Delegate</b>	<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
<b>Power Delegated to</b>	Chief Executive Officer
<b>Council Conditions</b>	Nil
<b>Power to Sub-Delegate</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate some powers & duties to other employees
<b>Sub-Delegated to</b>	Director Corporate & Community Services Manager Financial Services
<b>CEO Conditions</b>	Nil
<b>Compliance Links</b>	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	14. Reviewed – May 2024, Resolution #O0524-059

1.12 Local laws administration (s.3.18)	
<b>Function Delegated</b>	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>	
<b>Power being Delegated</b>	<i>Local Government Act 1995</i> s.3.18 – Performing executive functions
<b>Power originally assigned to</b>	Local Government
<b>Power to Delegate</b>	<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
<b>Power Delegated to</b>	Chief Executive Officer
<b>Council Conditions</b>	<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"> <li>i. make a determination under Part 2;</li> <li>ii. enter into an agreement with a permit holder in respect of ownership of materials in a building (clause 3.7);</li> <li>iii. restrict use of the airport through a designation under clause 5.10(2);</li> <li>iv. hear an objection under Part 7;</li> <li>v. appoint authorised persons who are not employees under section 9.10 of the <i>Local Government Act 1995</i>; and</li> <li>vi. Determine forms to be used in the administering of the Local Law.</li> </ul> <p><u>Activities in Thoroughfares and Public Places and Trading Local Law 2016</u></p> <ul style="list-style-type: none"> <li>i. require any person to fence land adjoining a public place or local government property at his/ her expense (see clause 2.16);</li> <li>ii. declare a thoroughfare to be a “flora road” under clause 5.3;</li> <li>iii. designate a thoroughfare or part of a thoroughfare as ‘a special environmental area’ under clause 5.7;</li> <li>iv. grant any exemptions under clause 6.7(3);</li> <li>v. approve an application for a permit unconditionally or subject to any condition under clause 7.2(1)(b);</li> <li>vi. refuse an application for a permit under clause 7.1(1)(b);</li> <li>vii. hear an objection (see clause 8.1);</li> <li>viii. appoint authorised persons who are not Shire of Esperance employees under section 9.10 of the <i>Local Government Act 1995</i>; and</li> <li>ix. Determine forms to be used in the administering of the Local Law.</li> </ul> <p><u>Extractive Industries Local Law 2001</u></p> <ul style="list-style-type: none"> <li>i. issue of refusal of a license under clause 3.1(2) of the Local Law;</li> <li>ii. determination of a license period under clause 3.1(3)(a) of the Local Law;</li> <li>iii. cancellation of a license under clause 4.2(1) of the Local Law; and</li> <li>iv. renewal or refusal to renew a license under clause 4.3(4) of the Local Law.</li> </ul>
<b>Power to Sub-Delegate</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate some powers & duties to other employees

## 1.12 Local laws administration (s.3.18)

<b>Sub-Delegated to</b>	Director Asset Management Director External Services Manager Development Services Manager Ranger & Emergency Services	Manager Waste & Environmental Health Senior Shire Ranger Shire Ranger Coordinator Waste Management
<b>CEO Conditions</b>	Nil	
<b>Compliance Links</b>	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	14. Amended – May 2024, Resolution #O0524-059

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

<b>Function Delegated</b>	Authority to partially and temporarily close a thoroughfare, without giving local public notice, if the closure is - <ol style="list-style-type: none"> <li>for the purpose of carrying out repairs or maintenance; and</li> <li>unlikely to have a significant adverse effect on users of the thoroughfare.</li> </ol>
<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>	
<b>Power being Delegated</b>	<i>Local Government Act 1995</i> s.3.50A – Partial closure of thoroughfare for repairs or maintenance
<b>Power originally assigned to</b>	Local Government
<b>Power to Delegate</b>	<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
<b>Power Delegated to</b>	Chief Executive Officer
<b>Council Conditions</b>	Nil
<b>Power to Sub-Delegate</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate some powers and duties to other employees
<b>Sub-Delegated to</b>	Director Asset Management Director External Services
<b>CEO Conditions</b>	Nil
<b>Compliance Links</b>	<i>Local Government Act 1995</i> s.3.50 - Closing certain thoroughfares to vehicles

### 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	14. Reviewed – May 2024, Resolution #O0524-059

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

<b>Function Delegated</b>	<p>Authority to</p> <ol style="list-style-type: none"> <li>Remove and impound any goods as per s.3.39 of the Act.</li> <li>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.</li> </ol>	
<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>		
<b>Power being Delegated</b>	<p><i>Local Government Act 1995</i>  s.3.39 – Power to remove and impound  s.3.48 – Impounding expenses, recovery of</p>	
<b>Power originally assigned to</b>	Local Government	
<b>Power to Delegate</b>	<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>	
<b>Power Delegated to</b>	Chief Executive Officer	
<b>Council Conditions</b>	Nil	
<b>Power to Sub-Delegate</b>	<p><i>Local Government Act 1995</i>  s.5.44 – CEO may delegate some powers and duties to other employees</p>	
<b>Sub-Delegated to</b>	Director External Services	Senior Shire Ranger Shire Ranger Manager Ranger & Emergency Services
<b>CEO Conditions</b>	Shire Ranger and Senior Shire Ranger authority is limited to the removal and impoundment of goods.	
<b>Compliance Links</b>	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	14. Reviewed – May 2024, Resolution #O0524-059

## 1.16 Power to write off debts (s.6.12)

<b>Function Delegated</b>	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>	
<b>Power being Delegated</b>	<i>Local Government Act 1995</i> s.6.12 – Power to defer, grant discounts, waive or write off debts
<b>Power originally assigned to</b>	Local Government
<b>Power to Delegate</b>	<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
<b>Power Delegated to</b>	Chief Executive Officer
<b>Council Conditions</b>	Debts up to a value of \$1,000.00 may be written off, conditional upon all avenues of debt recovery action having been exhausted.
<b>Power to Sub-Delegate</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate some powers and duties to other employees
<b>Sub-Delegated to</b>	Director Corporate & Community Services
<b>CEO Conditions</b>	Nil
<b>Compliance Links</b>	Council Policy Debt Collection Policy

### 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	14. Amended – May 2024, Resolution #O0524-059



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

<b>Function Delegated</b>	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>	
<b>Power being Delegated</b>	<i>Local Government Act 1995</i> s.6.56. Rates or service charges recoverable in court
<b>Power originally assigned to</b>	Local Government
<b>Power to Delegate</b>	<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
<b>Power Delegated to</b>	Chief Executive Officer
<b>Council Conditions</b>	Nil
<b>Power to Sub-Delegate</b>	<i>Local Government Act 1995</i> s.5.44 - CEO may delegate some powers and duties to other employees
<b>Sub-Delegated to</b>	Director Corporate & Community Services Manager Financial Services
<b>CEO Conditions</b>	Nil
<b>Compliance Links</b>	Council Policy Debt Collection Policy

### 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	14. Amended – May 2024, Resolution #O0524-059

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

<b>Function Delegated</b>	<p>Authority to</p> <ul style="list-style-type: none"> <li>a. 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</li> <li>b. recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods.</li> </ul>
<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>	
<b>Power being Delegated</b>	<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>
<b>Power originally assigned to</b>	Local Government
<b>Power to Delegate</b>	<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>
<b>Power Delegated to</b>	Chief Executive Officer
<b>Council Conditions</b>	Nil
<b>Power to Sub-Delegate</b>	<p><i>Local Government Act 1995</i></p> <p>s.5.44 – CEO may delegate some powers and duties to other employees</p>
<b>Sub-Delegated to</b>	<p>Director External Services</p> <p>Senior Shire Ranger</p> <p>Shire Ranger</p> <p>Manager Ranger &amp; Emergency Services</p>
<b>CEO Conditions</b>	Nil
<b>Compliance Links</b>	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	10. Reviewed – May 2024, Resolution #O0524-059

## 1.19 Reserves under control of Local Government (s.3.54)

<b>Function Delegated</b>	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>	
<b>Power being Delegated</b>	<i>Local Government Act 1995</i> s.3.54(1) Reserves under control of Local Government
<b>Power originally assigned to</b>	Local Government
<b>Power to Delegate</b>	<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
<b>Power Delegated to</b>	Chief Executive Officer
<b>Council Conditions</b>	Limited to giving consent of the management body of reserve (being limited to the Shire of Esperance).
<b>Power to Sub-Delegate</b>	<i>Local Government Act 1995</i> s.5.44 - CEO may delegate powers and duties to other employees
<b>Sub-Delegated to</b>	Director External Services Manager Development Services
<b>CEO Conditions</b>	Limited to giving consent of the management body of reserve (being limited to the Shire of Esperance).
<b>Compliance Links</b>	<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	6. Reviewed – May 2021, Resolution #O0521-147
2. Reviewed – June 2017 Resolution # O0617-133	7. Reviewed – May 2022, Resolution #O0522-112
3. Reviewed – May 2018, Resolution # O0518-098	8. Amended – June 2023, Resolution #O0623-117
4. Amended – June 2019: Resolution #O0619-120	9. Reviewed – May 2024, Resolution #O0524-059
5. Amended – May 2020, Resolution #O0520-148	10.

<b>1.20 Appoint Authorised Persons (s.9.10)</b>	
<b>Function Performed</b>	<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> <ol style="list-style-type: none"> <li>a. <i>Local Government Act 1995</i> and its subsidiary legislation, including Local Government Act Regulations, the <i>Local Government (Miscellaneous Provisions) Act 1960</i> and Local Laws made under the Local Government Act.</li> <li>b. <i>Caravan Parks and Camping Grounds Act 1995</i>;</li> <li>c. <i>Cat Act 2011</i>;</li> <li>d. <i>Cemeteries Act 1986</i>;</li> <li>e. <i>Control of Vehicles (Off-road Areas) Act 1978</i>;</li> <li>f. <i>Dog Act 1976</i>;</li> <li>g. <i>Graffiti Vandalism Act 2016</i> – refer s.15; and</li> <li>h. any other legislation prescribed for the purposes of s.9.10 of the Local Government Act 1995.</li> </ol>
<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>	
<b>Power of Appointment</b>	s.9.10 – Appointment of authorised persons (Subdivision 1 — Miscellaneous provisions about enforcement)
<b>Appointment power originally assigned to</b>	Chief Executive Officer
<b>Power to Appoint</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate some powers and duties to other employees
<b>Appointees</b>	<p>Director Asset Management - (a)<sup>2</sup>  Director Corporate &amp; Community Services - (a)<sup>2</sup>  Director External Services - (a, b, c, d, f)<sup>1, 2</sup>  Manager Development Services - (a, b, d)<sup>1, 2</sup>  Manager Financial Services - (a)  Manager Waste &amp; Environmental Health - (a, b, c, d, e, f)<sup>1, 2</sup>  Manager Recreation &amp; Culture - (a)  Coordinator Building Services - (a)<sup>1</sup>  Casual Building Surveyor – (a)<sup>1</sup>  Graduate Building Surveyor - (a)  Coordinator Planning Services - (a, b)<sup>1</sup>  Customer Experience Officer - (a)  Supervisor External Services Customer Experience – (a)  Coordinator Environmental Health - (a, b)<sup>1</sup>  Environmental Health Officer - (a, b)<sup>1</sup>  Cadet Environmental Health Officer - (a, b)  Senior Shire Ranger - (a, b, c, f)<sup>1, 2</sup>  Shire Ranger - (a, b, c, f)<sup>1, 2</sup></p>

## 1.20 Appoint Authorised Persons (s.9.10)

	<p>Regional Transport Officer (Department of Transport) - (b, f)</p> <p>Senior Regional Transport Officer (Department of Transport) - (b, f)</p> <p>Manager Ranger &amp; Emergency Services – (a, b, c, d, e, f)<sup>1, 2</sup></p> <p>Coordinator Waste Management – (a, b)</p>
<b>CEO Conditions</b>	<p>Regional Transport Officers (Department of Transport) have jurisdiction limited to land managed by the Department of Transport.</p> <p><sup>1</sup> 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><sup>2</sup> Officers are appointed for the purpose of performing functions under s.9.29 of the <i>Local Government Act 1995</i>.</p>
<b>Power to Sub-Delegate Appointment</b>	N/A
<b>Compliance Links</b>	<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	7. Amended – May 2020, Resolution #O0520-148
2. Reviewed – May 2015, Resolution # O0515-026	8. Amended – May 2021, Resolution #O0521-147
3. Reviewed – July 2016, Resolution # O0716-032	9. Reviewed – May 2022, Resolution #O0522-112
4. Reviewed – June 2017 Resolution # O0617-133	10. Amended – June 2023, Resolution #O0623-117
5. Reviewed – May 2018, Resolution # O0518-098	11. Reviewed – May 2024, Resolution #O0524-059
6. Amended – June 2019: Resolution #O0619-120	12.

## 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)			
<b>Function Appointed</b>	Officers are designated as authorised persons under 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>			
<b>Power of Appointment</b>	<i>Building Act 2011</i> s.96 - Authorised Person s.99 - Limitation on powers of authorised person		
<b>Appointment power originally assigned to</b>	Local Government		
<b>Power to Appoint</b>	<i>Building Act 2011</i> s.96 – Authorised Person s.127 – Delegation: Special Permit Authorities and Local Governments		
<b>Appointment Power Delegated to</b>	Chief Executive Officer		
<b>Appointees</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Director External Services Manager Development Services Coordinator Building Services</td> <td style="width: 50%;">Casual Building Surveyor Graduate Building Surveyor Customer Experience Officer Supervisor External Services Customer Experience</td> </tr> </table>	Director External Services Manager Development Services Coordinator Building Services	Casual Building Surveyor Graduate Building Surveyor Customer Experience Officer Supervisor External Services Customer Experience
Director External Services Manager Development Services Coordinator Building Services	Casual Building Surveyor Graduate Building Surveyor Customer Experience Officer Supervisor External Services Customer Experience		
<b>Council Conditions</b>	Nil		
<b>Power to Sub-Delegate Appointment</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees <b>CEO has elected to not sub-delegate this role</b>		
<b>CEO Conditions</b>	Nil		
<b>Compliance Links</b>	<i>Building Act 2011</i> s.97 - Identity cards		
DELEGATION ADMINISTRATION			
Decision Reference	Decision Reference		
1. Adopted – July 2012, Resolution # O0712-065	7. Reviewed – May 2020, Resolution #O0520-148		
2. Reviewed – May 2015, Resolution # O0515-026	8. Amended – May 2021, Resolution #O0521-147		

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

3. Reviewed – July 2016, Resolution # O0716-032	9. Reviewed – May 2022, Resolution #O0522-112
4. Reviewed – June 2017 Resolution # O0617-133	10. Reviewed – June 2023, Resolution #O0623-117
5. Reviewed – May 2018, Resolution # O0518-098	11. Reviewed – May 2024, Resolution #O0524-059
6. Amended – June 2019: Resolution # O0619-120	12.

2.2 Powers pursuant to the Building Act 2011	
<b>Function Delegated</b>	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>	
<b>Power being Delegated</b>	<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
<b>Power originally assigned to</b>	Local Government
<b>Power to Delegate</b>	<i>Building Act 2011</i> s.127 – Delegation: Special Permit Authorities and Local Governments
<b>Power Delegated to</b>	Chief Executive Officer
<b>Council Conditions</b>	Nil
<b>Power to Sub-Delegate</b>	<i>Building Act 2011</i> s.127 – Delegation: Special Permit Authorities and Local Governments
<b>Sub-Delegated to</b>	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)



## 2.2 Powers pursuant to the Building Act 2011

	<p>Graduate Building Surveyor - (s.18, s.20, s.21, s.27 s.55, s.58, s.62 &amp; s.131)</p> <p>Customer Experience Officer – (s.18, s.20, s.21, s.27, s.55, s.58, s.62 &amp; s.65)</p> <p>Supervisor External Services Customer Experience – (s.18, s.20, s.21, s.27, s.55, s.58, s.62 &amp; s.65)</p> <p>Cadet Building Surveyor – (s.18, s.20, s.21, s.27, s.55, s.58, s.62 &amp; s.65)</p>
<b>CEO Conditions</b>	Nil
<b>Compliance Links</b>	<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. Reviewed – May 2024, Resolution #O0524-059

## PART 3 PUBLIC HEALTH ACT 2016

Appointment as Authorised Officer  
Council Resolution required to change Function.

3.1 Appointment of Environmental Health Officer (s.17)		
<b>Function Appointed</b>	Officers are appointed as Environmental Health Officers.	
<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>		
<b>Power of Appointment</b>	<i>Public Health Act 2016</i> s.17 – Appointment of Environmental Health Officers	
<b>Appointment power originally assigned to</b>	Local Government	
<b>Power to Appoint</b>	<i>Public Health Act 2016</i> s.21 – Enforcement agency may delegate	
<b>Appointment Power Delegated to</b>	Chief Executive Officer	
<b>Appointees</b>	Director External Services Manager Waste & Environmental Health	Coordinator Environmental Health Environmental Health Officer
<b>Council Conditions</b>	Nil	
<b>Power to Sub-Delegate Appointment</b>	<i>Public Health Act 2016</i> s.21 – Enforcement agency may delegate <b>CEO has elected to not sub-delegate this role</b>	
<b>CEO Conditions</b>	Nil	
<b>Compliance Links</b>	<i>Public Health Act 2016</i> 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. Reviewed – May 2024, Resolution #O0524-059

3.2 Designation of Authorised Officers (s.24)	
<b>Function Appointed</b>	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>	
<b>Power of Appointment</b>	<i>Public Health Act 2016</i> s.24 – Designation of authorised officers
<b>Appointment power originally assigned to</b>	Local Government
<b>Power to Appoint</b>	<i>Public Health Act 2016</i> s.21 – Enforcement agency may delegate
<b>Appointment Power Delegated to</b>	Chief Executive Officer
<b>Appointees</b>	Manager Waste & Environmental Health Coordinator Environmental Health Environmental Health Officer Cadet Environmental Health Officer
<b>Council Conditions</b>	Nil
<b>Power to Sub-Delegate Appointment</b>	<i>Public Health Act 2016</i> s.21 – Enforcement agency may delegate <b>CEO has elected to not sub-delegate this role</b>
<b>CEO Conditions</b>	Cadet Environmental Health Officer is limited to the powers under the Shire of Esperance Health Local Law.
<b>Compliance Links</b>	<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

## 3.2 Designation of Authorised Officers (s.24)

### 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. Reviewed – May 2024, Resolution #O0524-059

## PART 4 PLANNING AND DEVELOPMENT ACT 2005

### 4.1 General Administration Powers

#### Function Delegated

Unless the specific power may only be exercised by the Council itself (or is not permitted to be delegated under the provisions of the *Local Government Act 1995*), the Council hereby delegates authority under Clause 82 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* to the Chief Executive Officer<sup>1</sup> 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 *Planning and Development Act 2005*, 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:

- a) For development<sup>2</sup> and land use applications:
- where advertising is not necessary;
  - for which advertising is necessary and there are no objections;
  - for single house developments which advertising is necessary and there are objections<sup>3</sup>;
  - 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.
- 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 *Local Government Act 1995*), the Council hereby delegates authority under Clause 82 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* to the Chief Executive Officer<sup>4</sup> 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 *Planning and Development Act 2005*, 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:

<sup>1</sup> A list of delegated authority approvals for development and subdivision applications is to be included in each monthly agenda of the Ordinary Council Meeting.

<sup>2</sup> 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;

<sup>3</sup> Effective from 1 July 2024

<sup>4</sup> 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 planning application is received that is classified as “X” or non-permitted under the provisions of Local Planning Scheme No. 24.
  - Where a request for further information has not been responded to in accordance with the Shire’s Refusal of Planning Applications policy.
  - 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.
  - Where a planning application is received that is not consistent with a Scheme provision.
  - Where a single house has valid objections in the ‘Rural Residential’ ‘rural Townsite’, ‘Tourism’ or ‘Private Clubs, Institutions and Places of Worship’ zones;<sup>5</sup>;
  - Where comments have been sought from any Government instrumentality and those recommendations cannot be satisfactorily addressed or appropriately conditioned on the planning consent.
- 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.<sup>6</sup>
  - kennels under the Local Planning Scheme No. 24 and Dogs Local Law<sup>7</sup>.
- 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.

<sup>5</sup> Effective from 1 July 2024

<sup>6</sup> 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.

<sup>7</sup> 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

- 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.
- k) Respond, defend and otherwise deal with legal proceedings arising from planning decisions made by, or on behalf of, Council.<sup>8</sup>
- l) Exercise discretion on behalf of Council to reach determination, where appropriate, of Appeals processed by mediation under the State Administrative Tribunal.
- m) Exercise discretion on behalf of Council in relation to the Arbitration provisions of the Scheme.
- n) Make modifications to Scheme Amendments in accordance with directions from the Minister for Transport; Planning; Ports or the Western Australian Planning Commission.
- o) Agree to accept management orders for reserves provided they have been created under Section 152 of the *Planning and Development Act 2005*.
- 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.
- q) Comment on mineral exploration licenses.
- r) Issue Liquor Licensing Act Section 40 Certificates regarding compliance with relevant planning laws.
- 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 *Planning and Development (Local Planning Schemes) Regulations 2015*.
- 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
- 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.
- 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.
- w) Issue a written direction under Section 214(2) of the *Planning and Development Act 2005* to any person undertaking a development that contravenes a Planning Scheme

<sup>6</sup> 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

	<p>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"> <li>• to remove, pull down, take up, or alter the development; and</li> <li>• to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.</li> </ul>
<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>	
<p><b>Power being Delegated</b></p>	<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>
<p><b>Power originally assigned to</b></p>	<p>Local Government</p>
<p><b>Power to Delegate</b></p>	<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>
<p><b>Power Delegated to</b></p>	<p>Chief Executive Officer</p>
<p><b>Council Conditions</b></p>	<p>Nil</p>
<p><b>Power to Sub-Delegate</b></p>	<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>
<p><b>Sub-Delegated to</b></p>	<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 &amp; 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 &amp; x)            Manager Waste &amp; 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 &amp; v)            Customer Experience Officer - (c, g, q &amp; s)            Supervisor External Services Customer Experience – (c, g, q &amp; s)</p>



## 4.1 General Administration Powers

	<p>Coordinator Environmental Health – (s)</p> <p>Environmental Health Officer – (s)</p> <p>Cadet Environmental Health Officer – (s)</p> <p>Manager Ranger &amp; Emergency Services – (s)</p> <p>Cadet Planning Officer – (c, g, q &amp; s)</p>
<b>CEO Conditions</b>	<p>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.</p>
<b>Compliance Links</b>	<p>Part 10 of Schedule 2, Planning and Development (Local Planning Scheme) Regulations 2015</p>

### DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Amended– February 2011, Res # O0211-1575 & O0211-1573	11. Amended – June 2019: Resolution # O0619-120
2. Reviewed - April 2012, Resolution # AP0412-005	12. Amended – May 2020, Resolution #O0520-148
3. Reviewed - June 2013, Resolution # O0613-012	13. Amended – July 2020, Resolution #O0720-240
4. Reviewed – May 2015, Resolution # O0515-026	14. Amended – May 2021, Resolution #O0521-147
5. Amended – November 2015, Resolution # O1115-030	15. Amended – March 2022, Resolution #O0322-059
6. Reviewed – July 2016, Resolution # O0716-032	16. Reviewed – May 2022, Resolution #O0522-112
7. Reviewed – September 2016, Resolution # O0916-026	17. Amended – June 2023, Resolution #O0623-117
8. Reviewed – June 2017, Resolution #O0617-133	18. Reviewed – May 2018 Resolution # O0518-098
9. Amended– February 2011, Res # O0211-1575 & O0211-1573	19. Amended – May 2024, Resolution #O0524-059
10. Reviewed – May 2018 Resolution # O0518-098	20.

## 4.2 Issue infringement notices – Planning (s.228)

<b>Function Performed</b>	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>	
<b>Power being Delegated</b>	<i>Planning and Development Act 2005</i> s.228 – Giving of infringement notice
<b>Power originally assigned to</b>	Chief Executive Officer
<b>Power to Delegate</b>	<i>Planning and Development Act 2005</i> s.234 – Designated persons, appointment of
<b>Power Delegated to</b>	Director External Services Manager Development Services
<b>CEO Conditions</b>	Nil
<b>Power to Sub-Delegate</b>	Nil
<b>Compliance Links</b>	Nil

### DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted - June 2013, Resolution # O0613-012	6. Reviewed – May 2021, Resolution #O0521-147
2. Reviewed – May 2015, Resolution # O0515-026	7. Reviewed – May 2022, Resolution #O0522-112
3. Reviewed – July 2016, Resolution # O0716-032	8. Reviewed – June 2023, Resolution #O0623-117
4. Amended – June 2019: Resolution # O0619-120	9. Reviewed – May 2024, Resolution #O0524-059
5. Reviewed – May 2020, Resolution #O0520-148	10.

## PART 5 *BUSH FIRES ACT 1954*

Appointment as Authorised Officer  
Council Resolution required to change Function.

5.1 Appointment of Bush Fire Control Officers & Fire Weather Officers (s.38)	
<b>Function Appointed</b>	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>	
<b>Power of Appointment</b>	<i>Bush Fires Act 1954</i> s.38 - Local government may appoint bush fire control officers.
<b>Appointment power originally assigned to</b>	Local Government
<b>Power to Appoint</b>	<i>Bush Fires Act 1954</i> s.48 - Delegation by local governments
<b>Appointment Power Delegated to</b>	Chief Executive Officer
<b>Appointees</b>	Community Emergency Service Manager <sup>1</sup> Manager Ranger & Emergency Services
<b>Council Conditions</b>	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> .
<b>Power to Sub-Delegate Appointment</b>	Not applicable – Sub-delegation is prohibited by s.48 - Delegation by local governments
<b>CEO Conditions</b>	<sup>1</sup> Officer appointed as Fire Weather Officer in addition to Bush Fire Control Officer
<b>Compliance Links</b>	<i>Bush Fire Brigades Local Law</i> Council Policy Fire Management – Roadside Burning Policy Bushfire Management Policy
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

10. Amended – May 2024, Resolution #O0524-059

### 5.3 Offences and infringements (s.59 & s.59A)

<b>Function Delegated</b>	Authority to a. Institute and carry on proceedings against a person for an offence alleged to be committed against this Act. b. Serve an infringement notice for an offence against this Act.	
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.		
<b>Power being Delegated</b>	<i>Bush Fires Act 1954</i> s.59 - Prosecution of offences s.59A - Alternative procedure – infringement notices	
<b>Power originally assigned to</b>	Local Government	
<b>Power to Delegate</b>	<i>Bush Fires Act 1954</i> s.48 - Delegation by local governments s.59 - Prosecution of offences	
<b>Power Delegated to</b>	Senior Shire Ranger Shire Ranger Chief Executive Officer	Director External Services Manager Ranger & Emergency Services Community Emergency Services Manager
<b>Council Conditions</b>	Nil	
<b>Power to Sub-Delegate</b>	Not applicable – Sub-delegation is prohibited by s.48 - Delegation by local governments	
<b>Sub-Delegated to</b>	N/A	
<b>CEO Conditions</b>	N/A	
<b>Compliance Links</b>	<i>Bush Fires (Infringements) Regulations 1978</i> Council Policy Fire Management – Roadside Burning Policy Bushfire Management Policy	

#### 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. Amended – May 2024, Resolution #O0524-059

## PART 6 *FOOD ACT 2008*

6.1 Appoint Authorised Officers (s.122 & s.126)											
<b>Function Appointed</b>	Officers are appointed as Authorised Officers and/or Designated Officers for the purpose of issuing infringements under the <i>Food Act 2008</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>											
<b>Power of Appointment</b>	<i>Food Act 2008</i> s.122 Appointment of Authorised Officers s.126 Infringement Notices										
<b>Appointment power originally assigned to</b>	Local Government										
<b>Power to Appoint</b>	<i>Food Act 2008</i> s.118 - Functions of enforcement agencies and delegation										
<b>Appointment Power Delegated to</b>	Chief Executive Officer										
<b>Appointees</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #ADD8E6;">Authorised Officers</th> <th style="background-color: #ADD8E6;">Designated Officers (Issuing Infringements)</th> </tr> </thead> <tbody> <tr> <td>Director External Services</td> <td>Director External Services</td> </tr> <tr> <td>Manager Waste &amp; Environmental Health</td> <td>Manager Waste &amp; Environmental Health</td> </tr> <tr> <td>Coordinator Environmental Health</td> <td>Coordinator Environmental Health</td> </tr> <tr> <td>Environmental Health Officer</td> <td>Environmental Health Officer</td> </tr> </tbody> </table>	Authorised Officers	Designated Officers (Issuing Infringements)	Director External Services	Director External Services	Manager Waste & Environmental Health	Manager Waste & Environmental Health	Coordinator Environmental Health	Coordinator Environmental Health	Environmental Health Officer	Environmental Health Officer
Authorised Officers	Designated Officers (Issuing Infringements)										
Director External Services	Director External Services										
Manager Waste & Environmental Health	Manager Waste & Environmental Health										
Coordinator Environmental Health	Coordinator Environmental Health										
Environmental Health Officer	Environmental Health Officer										
<b>Council Conditions</b>	Nil										
<b>Power to Sub-Delegate Appointment</b>	Nil - <i>Food Regulations 2009</i> do not provide for sub-delegation.										
<b>CEO Conditions</b>	Nil										
<b>Compliance Links</b>	<i>Food Act 2008</i> 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										

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

Appointment of Authorised Officers – Designated Officers only (section 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	7. Amended – May 2020, Resolution #O0520-148
2. Reviewed – May 2015, Resolution # O0515-026	8. Reviewed – May 2021, Resolution #O0521-147
3. Reviewed – July 2016, Resolution # O0716-032	9. Amended – May 2022, Resolution #O0522-112
4. Reviewed – June 2017 Resolution # O0617-133	10. Amended – June 2023, Resolution #O0623-117
5. Reviewed – May 2018, Resolution # O0518-098	11. Reviewed – May 2024, Resolution #O0524-059
6. Amended – June 2019: Resolution #O0619-120	12.

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

<b>Function Delegated</b>	<p>Authority to</p> <ol style="list-style-type: none"> <li>a. Serve a Prohibition order on the proprietor of a food business in accordance with s.65 of the <i>Food Act 2008</i>.</li> <li>b. Give a Certificate of clearance, where inspection demonstrates compliance with a Prohibition order and any Improvement Notices.</li> <li>c. 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.</li> </ol>
---------------------------	---

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

<b>Power being Delegated</b>	<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>
------------------------------	--

<b>Power originally assigned to</b>	Local Government
-------------------------------------	------------------

<b>Power to Delegate</b>	<p><i>Food Act 2008</i> s.118 - Functions of enforcement agencies and delegation</p>
--------------------------	--

<b>Power Delegated to</b>	<p>Chief Executive Officer Director External Services Manager Waste &amp; Environmental Health</p>	<p>Coordinator Environmental Health Environmental Health Officer</p>
---------------------------	--	--

<b>Council Conditions</b>	Nil
---------------------------	-----

<b>Power to Sub-Delegate</b>	Nil - <i>Food Regulations 2009</i> do not provide for sub-delegation.
------------------------------	---

<b>Sub-Delegated to</b>	N/A
-------------------------	-----

<b>CEO Conditions</b>	N/A
-----------------------	-----

<b>Compliance Links</b>	<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



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

2. Reviewed – May 2015, Resolution # O0515-026	10. Reviewed – May 2021, Resolution #O0521-147
3. Amended – March 2016, Resolution # O0316-023	11. Amended – May 2022, Resolution #O0522-112
4. Reviewed – July 2016, Resolution # O0716-032	12. Reviewed – June 2023, Resolution #O0623-117
5. Reviewed – Sept 2017, Resolution # O0916-026	13. Amended – August 2023, Resolution #O0823-149
6. Reviewed – June 2017 Resolution # O0617-133	14. Amended – November 2023, Resolution # O1123-190
7. Reviewed – May 2018, Resolution # O0518-098	15. Reviewed – May 2024, Resolution #O0524-059
9. Reviewed – May 2020, Resolution #O0520-148	16.

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

<b>Function Delegated</b>	Authority to a. Consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration. b. Vary the conditions or cancel the registration of a food business.	
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.		
<b>Power being Delegated</b>	<i>Food Act 2008</i> s.110 - Registration of food business s.112 - Variation of conditions or cancellation of registration of food businesses	
<b>Power originally assigned to</b>	Local Government	
<b>Power to Delegate</b>	<i>Food Act 2008</i> s.118 - Functions of enforcement agencies and delegation	
<b>Power Delegated to</b>	Chief Executive Officer Director External Services Manager Waste & Environmental Health	Coordinator Environmental Health Environmental Health Officer
<b>Council Conditions</b>	Nil	
<b>Power to Sub-Delegate</b>	Nil - <i>Food Regulations 2009</i> do not provide for sub-delegation.	
<b>Sub-Delegated to</b>	N/A	
<b>CEO Conditions</b>	N/A	
<b>Compliance Links</b>	<i>Food Act 2008</i> <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	

#### DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted - June 2013, Resolution # O0613-012	9. Reviewed – May 2020, Resolution #O0520-148
2. Reviewed – May 2015, Resolution # O0515-026	10. Reviewed – May 2021, Resolution #O0521-147
3. Amended – March 2016 Resolution # O0316-023	11. Reviewed – May 2022, Resolution #O0522-112
4. Reviewed – July 2016, Resolution # O0716-032	12. Reviewed – June 2023, Resolution #O0623-117
5. Reviewed – Sept 2016, Resolution #O0916-026	13. Amended – August 2023, Resolution #O0823-149
6. Reviewed – June 2017 Resolution # O0617-133	14. Amended – November 2023, Resolution # O1123-190

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

7.	Reviewed – May 2018, Resolution # O0518-098	15.	Reviewed – May 2024, Resolution #O0524-059
8.	Amended – June 2019: Resolution #O0619-120	16.	

## PART 7 DOG ACT 1976

Appointment as Authorised Officer  
Council Resolution required to change Function.

7.1 Appoint Registration Officers (s.3)			
<b>Function Appointed</b>	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>			
<b>Power of Appointment</b>	<i>Dog Act 1976</i> s.3 - Terms Used		
<b>Appointment power originally assigned to</b>	Local Government		
<b>Power to Appoint</b>	<i>Dog Act 1976</i> s.10AA - Delegation of local government powers and duties		
<b>Appointment Power Delegated to</b>	Chief Executive Officer		
<b>Appointees</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Senior Shire Ranger Shire Ranger Customer Experience Officer Customer Service &amp; Licensing Officer</td> <td style="width: 50%;">Club &amp; Community Development Officer Supervisor External Service Customer Experience Manager Ranger &amp; Emergency Services</td> </tr> </table>	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
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		
<b>Council Conditions</b>	Nil		
<b>Power to Sub-Delegate Appointment</b>	<i>Dog Act 1976</i> s.10AA - Delegation of local government powers and duties <b>CEO has elected to not sub-delegate this role</b>		
<b>CEO Conditions</b>	Nil		
<b>Compliance Links</b>	<i>Dog Act 1976</i> s.3 - Terms used		
DELEGATION ADMINISTRATION			
Decision Reference	Decision Reference		
1. Adopted – June 2019: Resolution #O0619-120	5. Reviewed – June 2023, Resolution #O0623-117		
2. Reviewed – May 2020, Resolution #O0520-148	6. Reviewed – May 2024, Resolution #O0524-059		
3. Amended – May 2021, Resolution #O0521-147	7.		
4. Reviewed – May 2022, Resolution #O0522-112	8.		

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

<b>Function Delegated</b>	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>	
<b>Power being Delegated</b>	<i>Dog Act 1976</i> s.26(3) – Limitation as to numbers
<b>Power originally assigned to</b>	Local Government
<b>Power to Delegate</b>	<i>Dog Act 1976</i> s.10AA – Delegation of local government powers and duties
<b>Power Delegated to</b>	Chief Executive Officer
<b>Council Conditions</b>	Nil
<b>Power to Sub-Delegate</b>	<i>Dog Act 1976</i> s.10AA – Delegation of local government powers and duties
<b>Sub-Delegated to</b>	Director External Services Manager Ranger & Emergency Services
<b>CEO Conditions</b>	Nil
<b>Compliance Links</b>	Dog 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	10. Amended – May 2024, Resolution #O0524-059

## PART 8 CAT ACT 2011

8.1 Cat Registrations			
<b>Function Delegated</b>	<p>Authority to</p> <ol style="list-style-type: none"> <li>a. grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)].</li> <li>b. 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)].</li> <li>c. cancel a cat registration [s.10].</li> <li>d. 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)].</li> <li>e. 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)].</li> </ol>		
<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>			
<b>Power being Delegated</b>	<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>  Schedule 3, cl.1(4) Fees Payable</p>		
<b>Power originally assigned to</b>	Local Government		
<b>Power to Delegate</b>	<p><i>Cat Act 2011</i>  s.44 Delegation by local government</p>		
<b>Power Delegated to</b>	Chief Executive Officer		
<b>Council Conditions</b>	Nil		
<b>Power to Sub-Delegate</b>	<p><i>Cat Act 2011</i>  s.45 Delegation by CEO of local government</p>		
<b>Sub-Delegated to</b>	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"> Director External Services  Senior Shire Ranger  Shire Ranger  Customer Experience Officer </td> <td style="width: 50%;"> Customer Service &amp; Licensing Officer  Club &amp; Community Development Officer  Supervisor External Service Customer Experience  Manager Ranger &amp; Emergency Services </td> </tr> </table>	Director External Services 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
Director External Services 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		
<b>CEO Conditions</b>	Nil		
<b>Compliance Links</b>	<p><i>Cat Regulations 2012</i>  r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration.  r.12 Period of registration (s.9(7))</p>		

## 8.1 Cat Registrations

r.11 Changes in registration  
 r.14 Registration certificate (s.11(1)(b))  
 r.15 Registration tags (s.76(2))  
 Decisions are subject to Objection and Review by the State Administration Tribunal rights  
 – refer Part 4, Division 5 of the *Cat Act 2011*.  
 Cat Local Law

### DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted – June 2023, Resolution #O0623-117	5.
2. Amended – May 2024, Resolution #O0524-059	6.
3.	7.
4.	8.

<b>8.2 Cat Control Notices (s.26)</b>			
<b>Function Delegated</b>	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		
<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>			
<b>Power being Delegated</b>	<i>Cat Act 2011</i> s.26 Cat control notice may be given to cat owner		
<b>Power originally assigned to</b>	Local Government		
<b>Power to Delegate</b>	<i>Cat Act 2011</i> s.44 Delegation by local government		
<b>Power Delegated to</b>	Chief Executive Officer		
<b>Council Conditions</b>	Nil		
<b>Power to Sub-Delegate</b>	<i>Cat Act 2011</i> s.45 Delegation by CEO of local government		
<b>Sub-Delegated to</b>	<table border="1"> <tr> <td>Director External Services Senior Shire Ranger Shire Ranger</td> <td>Customer Experience Officer Supervisor External Service Customer Experience Manager Ranger &amp; Emergency Services</td> </tr> </table>	Director External Services Senior Shire Ranger Shire Ranger	Customer Experience Officer Supervisor External Service Customer Experience Manager Ranger & Emergency Services
Director External Services Senior Shire Ranger Shire Ranger	Customer Experience Officer Supervisor External Service Customer Experience Manager Ranger & Emergency Services		
<b>CEO Conditions</b>	Nil		
<b>Compliance Links</b>	<i>Cat Regulations 2012</i> r.20 Cat control notice (s.23(3)), prescribes the form of the notice Cat Local Law		

### DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted – June 2023, Resolution #O0623-117	5.
2. Amended – May 2024, Resolution #O0524-059	6.
3.	7.
4.	8.



<b>8.3 Recovery of Costs – Destruction of Cats (s.49)</b>			
<b>Function Delegated</b>	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>			
<b>Power being Delegated</b>	<i>Cat Act 2011</i> s.49(3) Authorised person may cause cat to be destroyed		
<b>Power originally assigned to</b>	Local Government		
<b>Power to Delegate</b>	<i>Cat Act 2011</i> s.44 Delegation by local government		
<b>Power Delegated to</b>	Chief Executive Officer		
<b>Council Conditions</b>	Nil		
<b>Power to Sub-Delegate</b>	<i>Cat Act 2011</i> s.45 Delegation by CEO of local government		
<b>Sub-Delegated to</b>	<table border="1"> <tr> <td>Director External Services Senior Shire Ranger Shire Ranger</td> <td>Customer Experience Officer Supervisor External Service Customer Experience Manager Ranger &amp; Emergency Services</td> </tr> </table>	Director External Services Senior Shire Ranger Shire Ranger	Customer Experience Officer Supervisor External Service Customer Experience Manager Ranger & Emergency Services
Director External Services Senior Shire Ranger Shire Ranger	Customer Experience Officer Supervisor External Service Customer Experience Manager Ranger & Emergency Services		
<b>CEO Conditions</b>	Nil		
<b>Compliance Links</b>			

### DELEGATION ADMINISTRATION

Decision Reference		Decision Reference	
1.	Adopted – June 2023, Resolution #O0623-117	5.	
2.	Reviewed – May 2024, Resolution #O0524-059	6.	
3.		7.	
4.		8.	

<b>8.4 Prosecutions (s.73)</b>			
<b>Function Delegated</b>	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>			
<b>Power being Delegated</b>	<i>Cat Act 2011</i> s.73(1)(b) & (2)(b) Prosecutions		
<b>Power originally assigned to</b>	Local Government		
<b>Power to Delegate</b>	<i>Cat Act 2011</i> s.44 Delegation by local government		
<b>Power Delegated to</b>	Chief Executive Officer		
<b>Council Conditions</b>	Nil		
<b>Power to Sub-Delegate</b>	<i>Cat Act 2011</i> s.45 Delegation by CEO of local government		
<b>Sub-Delegated to</b>	<table border="1"> <tr> <td>Director External Services Senior Shire Ranger Shire Ranger</td> <td>Customer Experience Officer Supervisor External Service Customer Experience Manager Ranger &amp; Emergency Services</td> </tr> </table>	Director External Services Senior Shire Ranger Shire Ranger	Customer Experience Officer Supervisor External Service Customer Experience Manager Ranger & Emergency Services
Director External Services Senior Shire Ranger Shire Ranger	Customer Experience Officer Supervisor External Service Customer Experience Manager Ranger & Emergency Services		
<b>CEO Conditions</b>	Nil		
<b>Compliance Links</b>			

#### DELEGATION ADMINISTRATION

Decision Reference		Decision Reference	
1.	Adopted – June 2023, Resolution #O0623-117	5.	
2.	Reviewed – May 2024, Resolution #O0524-059	6.	
3.		7.	
4.		8.	

## PART 9 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960

Appointment as Authorised Officer  
Council Resolution required to change Function.

9.1 Establishing pounds and appointing poundkeepers and Rangers(s.449)			
<b>Function Appointed</b>	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>			
<b>Power of Appointment</b>	<i>Local Government (Miscellaneous Provisions) Act 1960</i> s.449 - Pounds, establishing; poundkeepers and rangers, appointing		
<b>Appointment power originally assigned to</b>	Local Government		
<b>Power to Appoint</b>	<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		
<b>Appointment Power Delegated to</b>	Chief Executive Officer		
<b>Appointees</b>	<table style="width: 100%; border: none;"> <tr> <td style="border: none; width: 50%;">Director External Services Senior Shire Ranger</td> <td style="border: none; width: 50%;">Shire Ranger Manager Ranger &amp; Emergency Services</td> </tr> </table>	Director External Services Senior Shire Ranger	Shire Ranger Manager Ranger & Emergency Services
Director External Services Senior Shire Ranger	Shire Ranger Manager Ranger & Emergency Services		
<b>Council Conditions</b>	Nil		
<b>Power to Sub-Delegate Appointment</b>	<i>Local Government Act 1995</i> s.5.44 - CEO may delegate powers and duties to other employees		
<b>CEO Conditions</b>	Nil		
<b>Compliance Links</b>	<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	7. Amended – May 2020, Resolution #O0520-148		
2. Reviewed – May 2015, Resolution # O0515-026	8. Reviewed – May 2021, Resolution #O0521-147		
3. Reviewed – July 2016, Resolution # O0716-032	9. Reviewed – May 2022, Resolution #O0522-112		
4. Reviewed – June 2017 Resolution # O0617-133	10. Reviewed – June 2023, Resolution #O0623-117		

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

5. Reviewed – May 2018, Resolution # O0518-098	11. Reviewed – May 2024, Resolution #O0524-059
6. Amended – June 2019: Resolution #O0619-120	12.

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

### 10.1 Payment of accounts (r.12)

<b>Function Delegated</b>	Authority to make payments from the municipal or trust funds.	
<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>		
<b>Power being Delegated</b>	<i>Local Government (Financial Management) Regulations 1996</i> r.12 Payments from municipal fund or trust fund, restrictions on making	
<b>Power originally assigned to</b>	Local Government	
<b>Power to Delegate</b>	<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	
<b>Power Delegated to</b>	Chief Executive Officer	
<b>Council Conditions</b>	Nil	
<b>Power to Sub-Delegate</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees	
<b>Sub-Delegated to</b>	Director Asset Management Director Corporate & Community Services	Director External Services Manager Financial Services
<b>CEO Conditions</b>	Nil	
<b>Compliance Links</b>	<i>Local Government (Financial Management) Regulations 1996</i> r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc. <i>Local Government Act 1995</i> s.6.5 – Accounts and records	

### DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted - February 2004, Resolution # O0204-0769	8. Amended – June 2019: Resolution #O0619-120
2. Reviewed - February 2010, Resolution # O0210-1400	9. Reviewed – May 2020, Resolution #O0520-148
3. Reviewed - June 2013, Resolution # O0613-012	10. Reviewed – May 2021, Resolution #O0521-147
4. Reviewed – May 2015, Resolution # O0515-026	11. Reviewed – May 2022, Resolution #O0522-112
5. Reviewed – July 2016, Resolution # O0716-032	12. Amended – June 2023, Resolution #O0623-117
6. Reviewed – June 2017 Resolution # O0617-133	13. Reviewed – May 2024, Resolution #O0524-059
7. Reviewed – May 2018, Resolution # O0518-098	14.

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

11.1 Permission to have gate across public thoroughfare (r.9)	
<b>Function Delegated</b>	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>	
<b>Power being Delegated</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.9 - Permission to have gate across public thoroughfare — Sch. 9.1 cl. 5(1)
<b>Power originally assigned to</b>	Local Government
<b>Power to Delegate</b>	<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
<b>Power Delegated to</b>	Chief Executive Officer
<b>Council Conditions</b>	Nil
<b>Power to Sub-Delegate</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees
<b>Sub-Delegated to</b>	Director Asset Management
<b>CEO Conditions</b>	Nil
<b>Compliance Links</b>	<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	7. Reviewed – May 2020, Resolution #O0520-148
2. Reviewed – May 2015, Resolution # O0515-026	8. Reviewed – May 2021, Resolution #O0521-147
3. Reviewed – July 2016, Resolution # O0716-032	9. Reviewed – May 2022, Resolution #O0522-112
4. Reviewed – June 2017 Resolution # O0617-133	10. Amended – June 2023, Resolution #O0623-117
5. Reviewed – May 2018, Resolution # O0518-098	11. Reviewed – May 2024, Resolution #O0524-059
6. Amended – June 2019: Resolution #O0619-120	12.

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

<b>Function Delegated</b>	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>	
<b>Power being Delegated</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.17 - Private works on, over, or under public places — Sch. 9.1 cl.8
<b>Power originally assigned to</b>	Local Government
<b>Power to Delegate</b>	<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
<b>Power Delegated to</b>	Chief Executive Officer
<b>Council Conditions</b>	Nil
<b>Power to Sub-Delegate</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate some powers and duties to other employees
<b>Sub-Delegated to</b>	Director Asset Management
<b>CEO Conditions</b>	Nil
<b>Compliance Links</b>	<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	14. Reviewed – May 2024, Resolution #O0524-059

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

<b>Function Delegated</b>	<p>Authority to</p> <ol style="list-style-type: none"> <li>Give notice to an owner or occupier of land requiring the person to construct or repair a crossing.</li> <li>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.</li> </ol>
<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>	
<b>Power being Delegated</b>	<p><i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.13 - Requirement to construct or repair crossing — Sch. 9.1 cl. 7(3)</p>
<b>Power originally assigned to</b>	Local Government
<b>Power to Delegate</b>	<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>
<b>Power Delegated to</b>	Chief Executive Officer
<b>Council Conditions</b>	Nil
<b>Power to Sub-Delegate</b>	<p><i>Local Government Act 1995</i> s.5.44 – CEO may delegate some powers and duties to other employees</p>
<b>Sub-Delegated to</b>	Director Asset Management
<b>CEO Conditions</b>	Nil
<b>Compliance Links</b>	<p><i>Local Government Act 1995</i> s.9.60(4) – Regulations that operate as local laws Schedule 9.1 cl 7 Council Policy Crossover Construction Policy</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	14. Amended – May 2024, Resolution #O0524-059



## 11.4 Dangerous excavation in or near public thoroughfare (r.11)

<b>Function Delegated</b>	<ol style="list-style-type: none"> <li>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)].</li> <li>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)].</li> <li>3. Authority to impose conditions on granting permission [ULP r.11(6)].</li> <li>4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].</li> </ol>
<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>	
<b>Power being Delegated</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.11 – Dangerous excavation in or near public thoroughfare Sch. 9.1 cl. 6
<b>Power originally assigned to</b>	Local Government
<b>Power to Delegate</b>	<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
<b>Power Delegated to</b>	Chief Executive Officer
<b>Council Conditions</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> <li>b. Permission may only be granted where, the proponent has -             <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>iii. Provided evidence of sufficient Public Liability Insurance.</li> <li>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity</li> </ol> </li> </ol>
<b>Power to Sub-Delegate</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate some powers and duties to other employees
<b>Sub-Delegated to</b>	Director Asset Management Manager Asset Development
<b>CEO Conditions</b>	<i>Local Government Act 1995</i> Sch.9.1(6)
<b>Compliance Links</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.11 – Dangerous excavation in or near public thoroughfare Sch. 9.1 cl. 6

### DELEGATION ADMINISTRATION

## 11.4 Dangerous excavation in or near public thoroughfare (r.11)

Decision Reference	Decision Reference
1. Adopted – May 2021, Resolution #O0521-147	5.
2. Amended – May 2022, Resolution #O0522-112	6.
3. Amended – June 2023, Resolution #O0623-117	7.
4. Reviewed – May 2024, Resolution #O0524-059	8.

## 11.5 Obstruction of footpaths and thoroughfares (r.5, r.6, r.7A & r.7)

<p><b>Function Delegated</b></p>	<ol style="list-style-type: none"> <li>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"> <li>a. prevent damage to the footpath; or</li> <li>b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)].</li> </ol> </li> <li>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)].</li> <li>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)].</li> <li>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].</li> <li>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].</li> </ol>
<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>	
<p><b>Power being Delegated</b></p>	<p><i>Local Government (Uniform Local Provisions) Regulations 1996</i>  r.5(2) Interfering with, or taking from, local government land  r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)  r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b)  r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)</p>
<p><b>Power originally assigned to</b></p>	<p>Local Government</p>
<p><b>Power to Delegate</b></p>	<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>
<p><b>Power Delegated to</b></p>	<p>Chief Executive Officer</p>
<p><b>Council Conditions</b></p>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> <li>b. Permission may only be granted where, the proponent has -             <ol style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.</li> <li>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.</li> <li>iii. Provided evidence of sufficient Public Liability Insurance.</li> <li>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> </ol>

## 11.5 Obstruction of footpaths and thoroughfares (r.5, r.6, r.7A & r.7)

<b>Power to Sub-Delegate</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate some powers and duties to other employees	
<b>Sub-Delegated to</b>	Director Asset Management Director External Services	Manager Asset Development Manager Ranger & Emergency Services
<b>CEO Conditions</b>	Nil	
<b>Compliance Links</b>	<p><i>Local Government Act 1995</i> Sch.9.1(3)</p> <p>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>.</p>	

### DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted – May 2021, Resolution #O0521-147	5.
2. Amended – May 2022, Resolution #O0522-112	6.
3. Amended – June 2023, Resolution #O0623-117	7.
4. Reviewed – May 2024, Resolution #O0524-059	8.

11.6 Obstruction of public thoroughfare by things placed and left (r.6)			
<b>Function Performed</b>	<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"> <li>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)].</li> <li>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)].</li> <li>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)].</li> </ol>		
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.			
<b>Power being Delegated</b>	<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)		
<b>Power originally assigned to</b>	Chief Executive Officer		
<b>Power to Delegate</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate some powers and duties to other employees		
<b>Power Delegated to</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Director Asset Management Director External Services</td> <td style="width: 50%;">Manager Asset Development Manager Ranger &amp; Emergency Services</td> </tr> </table>	Director Asset Management Director External Services	Manager Asset Development Manager Ranger & Emergency Services
Director Asset Management Director External Services	Manager Asset Development Manager Ranger & Emergency Services		
<b>CEO Conditions</b>	<ol style="list-style-type: none"> <li>a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 12.5 Obstruction of Footpaths and Thoroughfares.</li> <li>b. Actions under this Delegation must comply with the procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> </ol>		
<b>Power to Sub-Delegate</b>	N/A		
<b>Compliance Links</b>	<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. Reviewed – May 2024, Resolution #O0524-059		

## PART 12 HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911

### 12.1 Appointment of Deputies (s.24)

<b>Function Appointed</b>	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.*

<b>Power of Appointment</b>	<i>Health (Miscellaneous Provisions) Act 1911</i> s.26 - Powers of local government
-----------------------------	--

<b>Appointment power originally assigned to</b>	Local Government
---	------------------

<b>Power to Appoint</b>	<i>Health (Miscellaneous Provisions) Act 1911</i> s.26 - Powers of local government
-------------------------	--

<b>Appointees</b>	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Chief Executive Officer</td> <td style="width: 50%;">Manager Waste &amp; Environmental Health</td> </tr> <tr> <td>Director External Services</td> <td>Coordinator Environmental Health</td> </tr> <tr> <td></td> <td>Environmental Health Officer</td> </tr> </table>	Chief Executive Officer	Manager Waste & Environmental Health	Director External Services	Coordinator Environmental Health		Environmental Health Officer
Chief Executive Officer	Manager Waste & Environmental Health						
Director External Services	Coordinator Environmental Health						
	Environmental Health Officer						

<b>Council Conditions</b>	Nil
---------------------------	-----

<b>Power to Sub-Delegate Appointment</b>	N/A
--	-----

<b>Compliance Links</b>	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. Amended – May 2024, Resolution #O0524-059

## PART 13 HEALTH (ASBESTOS) REGULATIONS 1992

Appointment as Authorised Officer  
Council Resolution required to change Function.

13.1 Appoint Authorised and Approved Officers (r.15D)	
<b>Function Appointed</b>	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>	
<b>Power of Appointment</b>	<i>Health (Asbestos) Regulations 1992</i> r.15D – Infringement Notices
<b>Appointment power originally assigned to</b>	Local Government
<b>Power to Appoint</b>	<i>Health (Asbestos) Regulations 1992</i> r.15D – Infringement Notices
<b>Appointment Power Delegated to</b>	Chief Executive Officer
<b>Appointees</b>	Manager Waste & Environmental Health Coordinator Environmental Health Environmental Health Officer
<b>Council Conditions</b>	Nil
<b>Power to Sub-Delegate Appointment</b>	Nil
<b>CEO's Conditions</b>	Nil
<b>Compliance Links</b>	<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. Reviewed – May 2024, Resolution #O0524-059
3. Reviewed – May 2021, Resolution #O0521-147	7.
4. Reviewed – May 2022, Resolution #O0522-112	8.

## PART 14 *BUILDING REGULATIONS 2012*

Appointment as Authorised Officer  
Council Resolution required to change Function.

14.1 Appoint Approved and Authorised Officers (r.70)			
<b>Function Appointed</b>	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>			
<b>Power of Appointment</b>	<i>Building Regulations 2012</i> r.70 – Approved Officers and Authorised Officers		
<b>Appointment power originally assigned to</b>	Local Government		
<b>Power to Appoint</b>	<i>Building Regulations 2012</i> r.70 – Approved Officers and Authorised Officers		
<b>Appointment Power Delegated to</b>	Chief Executive Officer		
<b>Appointees</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <b>Authorised Officer (Issue Infringements)</b>                      Director External Services                      Manager Development Services                      Coordinator Building Services                 </td> <td style="width: 50%; vertical-align: top;"> <b>Approved Officer (Withdraw Infringements)</b>                      Chief Executive Officer                 </td> </tr> </table>	<b>Authorised Officer (Issue Infringements)</b> Director External Services Manager Development Services Coordinator Building Services	<b>Approved Officer (Withdraw Infringements)</b> Chief Executive Officer
<b>Authorised Officer (Issue Infringements)</b> Director External Services Manager Development Services Coordinator Building Services	<b>Approved Officer (Withdraw Infringements)</b> Chief Executive Officer		
<b>Council Conditions</b>	Officers authorised for this purpose must first be authorised under s.9.16 of the <i>Local Government Act 1995</i> .		
<b>Power to Sub-Delegate Appointment</b>	N/A		
<b>CEO Conditions</b>	Nil		
<b>Compliance Links</b>	<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		



## 14.1 Appoint Approved and Authorised Officers (r.70)

### 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. Reviewed – May 2024, Resolution #O0524-059
3. Amended – May 2022, Resolution #O0522-112	7.
4. Amended – August 2022, Resolution #O0822-186	8.

## PART 16 *FINES, PENALTIES AND INFRINGEMENT NOTICES ENFORCEMENT ACT 1994*

16.1 Registration of infringement notice (s.16 & s.22)			
<b>Function Performed</b>	Officers are appointed as Prosecuting Officers to register and withdraw infringements with the Fines and Enforcements Registry.		
<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>			
<b>Power being Delegated</b>	<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		
<b>Power originally assigned to</b>	Chief Executive Officer		
<b>Power to Delegate</b>	<i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i> s.13(3) – Approved prosecuting authorities and officers		
<b>Power Delegated to</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Director External Services Senior Shire Ranger Shire Ranger</td> <td style="width: 50%;">Customer Experience Officer Supervisor External Service Customer Experience Manager Ranger &amp; Emergency Services</td> </tr> </table>	Director External Services Senior Shire Ranger Shire Ranger	Customer Experience Officer Supervisor External Service Customer Experience Manager Ranger & Emergency Services
Director External Services Senior Shire Ranger Shire Ranger	Customer Experience Officer Supervisor External Service Customer Experience Manager Ranger & Emergency Services		
<b>CEO Conditions</b>	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> .		
<b>Power to Sub-Delegate</b>	N/A		
<b>Compliance Links</b>	<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	5. Amended – June 2023, Resolution #O0623-117		
2. Amended – May 2021, Resolution #O0521-147	6. Reviewed – May 2024, Resolution #O0524-059		
3. Amended – March 2022, Resolution #O0322-061	7.		
4. Amended – May 2022, Resolution #O0522-112	8.		

## PART 17 ROAD TRAFFIC (ADMINISTRATION) ACT 2008

17.1 Request Information (s.14)							
<b>Function Performed</b>	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.						
<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>							
<b>Power being Delegated</b>	<i>Road Traffic (Administration) Act 2008</i> s.14 – Disclosure of information to prescribed persons <i>Road Traffic (Administration) Regulations 2014</i> r.7 – Disclosure of information to prescribed persons						
<b>Power originally assigned to</b>	Chief Executive Officer						
<b>Power to Delegate</b>	r.7(2)(n) Disclosure of information to prescribed persons						
<b>Nominated Persons</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Director External Services</td> <td style="width: 50%;">Senior Shire Ranger</td> </tr> <tr> <td></td> <td>Shire Ranger</td> </tr> <tr> <td></td> <td>Manager Ranger &amp; Emergency Services</td> </tr> </table>	Director External Services	Senior Shire Ranger		Shire Ranger		Manager Ranger & Emergency Services
Director External Services	Senior Shire Ranger						
	Shire Ranger						
	Manager Ranger & Emergency Services						
<b>CEO Conditions</b>	<p>The information disclosed to the nominated persons will only be used in connection with the administration of the Acts and Regulations specifically the:</p> <ul style="list-style-type: none"> <li><i>Local Government Act 1995;</i></li> <li><i>Caravan Parks and Camping Grounds Act 1995;</i></li> <li><i>Animal Welfare Act 2002;</i></li> <li><i>Dog Act 1976;</i></li> <li><i>Litter Act 1979;</i></li> <li><i>Cat Act 2011;</i></li> <li><i>Local Government (Miscellaneous Provisions) Act 1960; and</i></li> <li><i>Bush Fires Act 1954.</i></li> </ul> <p>Any information provided by the Department of Transport cannot be used for a purpose other than the authorised purpose for which it was disclosed.</p>						
<b>Power to Sub-Delegate</b>	Nil						
<b>Compliance Links</b>	<i>Road Traffic (Administration) Act 2008</i> <i>Road Traffic (Administration) Regulations 2014</i> <i>Local Government Act 1995</i>						
DELEGATION ADMINISTRATION							
<b>Decision Reference</b>	<b>Decision Reference</b>						
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						

## 17.1 Request Information (s.14)

3. Reviewed – May 2020, Resolution #O0520-148	7. Reviewed – May 2024, Resolution #O0524-059
4. Amended – May 2021, Resolution #O0521-147	8.