ORDINARY COUNCIL MEETING

28 July 2020

Attachment Booklet – Register of Delegations – July 2020

ATTACHMENT: CEO01

New Register of Delegations – Council to CEO

Attachment 1
Register of Delegations – Council to CEO – July 2020

SHIRE OF IRWIN
DONGARA-PORT DENISON
A BRILLIANT BLEND

Shire of Irwin

Register of Delegations - Council to CEO

July 2020

Document Control

Revision No.	Date Reviewed	Adopted by Council - Date	Adopted by Council – Minute Ref
		27 May 2008	CEO.356
		28 April 2009	CEO.414
		27 April 2010	CEO.446
		28 June 2011	CEO.462
		26 June 2012	CEO.476
		25 June 2013	130613
		27 May 2014	130514
		23 June 2015	090615
		28 June 2016	110616
		27 June 2017	130617
		26 June 2018	070618
Rev0		28 May 2019	050519
Rev0.1	26/07/2019		
Rev0.2	27/08/2019		
Rev0.3	10/12/2019		
Rev0.4	02/06/2020		

Amendments

Details of amendments	Reviewed/ Amended Date	Reference
Review of Delegations Register – Council to CEO	May 2019	NCR198741
Rev0.1 updated with adopted delegations; Include new Bush Fire delegations, revise CEO02 Firebreaks, remove CEO19 – Powers under the Bush Fire Act	26/07/2019	NCR198891
Rev0.2 updated with adopted delegations; Updated CEO01 Tenders for Goods and Services Updated CEO03 Payments from Municipal or Trust Funds New CEO35 Expression of Interest Goods and Services New CEO36 Application of Regional Price Preference Policy	27/08/2019	NCR198997
Rev0.3 updated with adopted delegation: CEO37 Appoint Authorised Persons.	10/12/2019	INT19/730BF67E
Rev0.4 Amended CEO01 Tenders for Goods and Services amended for a declared State of Emergency	26/05/2020	INT20/107E8E8A

Table of Contents

1 Local Government Act 1995 Delegations 4
CEO100 – Tenders for Goods and Services – Amended for a declared State of Emergency 4
CEO101 – Payments from the Municipal or Trust Funds 7
CEO102 – Trust Fund 8
CEO103 – Expression of Interest Goods and Services 9
CEO104 – Application of Regional Price Preference Policy 10
CEO105 – Appoint Authorised Persons 11
CEO106 – Compensation for Damage Incurred when Performing Executive Functions 12
CEO107 – Powers of Entry 13
CEO108 – Declare Vehicle is Abandoned Vehicle Wreck 14
CEO109 – Confiscated or Uncollected Goods 15
CEO110 – Disposal of Sick or Injured Animals 16
CEO111 – Close Thoroughfares to Vehicles 17
CEO112 – Control Reserves and Certain Unvested Facilities 19
CEO113 – Obstruction of Footpaths and Thoroughfares 20
CEO114 – Gates Across Public Thoroughfares 22
CEO115 – Public Thoroughfare – Dangerous Excavations 23
CEO116 – Crossing – Construction, Repair and Removal 25
CEO117 – Private Works on, over or under Public Places 26
CEO118 – Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift 27
CEO119 – Disposal of Property 28
CEO120 – Defer, Grant Discounts, Waive or Write off Debts 29
CEO121 – Power to Invest and Manage Investments 30
CEO122 – Rate Record Amendment 32
CEO123 – Agreement as to Payment of Rates and Service Charges 33
CEO124 – Determine Due Date for Rates or Service Charges 34
CEO125 – Recovery of Rates or Service Charges 35
CEO126 – Recovery of Rates – Lessee to Pay Rent 36
CEO127 – Rate Record - Objections 37
CEO128 – Issuing Notices to Owner or Occupier of Land 38
CEO129 – Actions on Land that is not Local Government Property 39
CEO130 – Works Required for Supply of Gas or Water 40
2 Building Act 2011 Delegations 41
CEO200 – Grant a Building Permit 41
CEO201 – Demolition Permits 43
CEO202 – Occupancy Permits or Building Approval Certificates 45
CEO203 – Authorised and Approved Persons/Officers 47
CEO204 – Building Orders 48
CEO205 – Inspection and Copies of Building Records 50
CEO206 – Referrals and Issuing Certificates 51
CEO207 – Private Pool Barrier – Alternative and Performance Solutions 52
CEO208 – Smoke Alarms – Alternative Solutions 53
3 Bush Fires Act 1954 Delegations 54
CEO300 – Firebreaks 54
CEO301 – Make Request to FES Commissioner – Control of Fire 56
CEO302 – Prohibited Burning Times - Vary 57
CEO303 – Restricted Burning Times - Vary 58
CEO304 – Prohibited and/or Restricted Burning Times – Control Activities 59

CEO305 – Control of Operations Likely to Create Bush Fire Danger 61
CEO306 – Burning Garden Refuse / Open Air Fires 62
CEO307 – Appoint Bush Fire Control Officer/s and Fire Weather Officer 64
CEO308 – Control and Extinguishment of Bush Fires 65
CEO309 – Recovery of Expenses Incurred through Contraventions of this Act 66
CEO310 – Prosecution of Offences 67
CEO311 – Withdrawal of Infringement Notices 68

4 Cat Act 2011 Delegations 69

CEO400 – Cat Registrations 69
CEO401 – Cat Control Notices 71
CEO402 – Approval to Breed Cats 72
CEO403 – Appoint Authorised Person 73
CEO404 – Recovery of Costs – Destruction of Cats 74
CEO405 – Applications to Keep Additional Cats 75

5 Dog Act Delegations 76

CEO500 – Refuse or Cancel Registration 76
CEO501 – Kennel Establishments 78
CEO502 – Appoint Authorised Persons 79
CEO503 – Recovery of Moneys Due Under this Act 80
CEO504 – Dispose of or Sell Dogs Liable to be Destroyed 81
CEO505 – Declare a Dangerous Dog 82
CEO506 – Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke 83
CEO507 – Determine Recoverable Expenses for Dangerous Dog Declaration 85

6 Food Act 2008 Delegations 86

CEO600 – Food Business Registrations 86
CEO601 – Appoint Authorised Officers and Designated Officers 87
CEO602 – Determine Compensation 88
CEO603 – Prohibition Orders 89
CEO604 – Debt Recovery and Prosecutions 90
CEO605 – Food Business List – Preparation, Maintenance and Public Access 91

7 Graffiti Vandalism Act 2016 Delegations 92

CEO700 – Give Notice Requiring Obliteration of Graffiti 92
CEO701 – Notices – Deal with Objections and Suspension of Effect of Notices 93
CEO702 – Obliterate Graffiti on Land not Local Government Property 94
CEO703 – Powers of Entry 95

8 Public Health Act 2016 Delegations 96

CEO800 – Appoint Authorised Officer or Approved Officer (Asbestos Regs) 96
CEO801 – Enforcement Agency Reports to the Chief Health Officer 97
CEO802 – Designate Authorised Officers 98
CEO803 – Determine Compensation for Seized Items 99
CEO804 – Commence Proceedings 100

1 Local Government Act 1995 Delegations

Delegation

CEO100 – Tenders for Goods and Services – Amended for a declared State of Emergency

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996:* r.11 When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for r.18 Rejecting and accepting tenders r.20 Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	*New regulation amendments in response to a declared State of Emergency are below in red* 1. Authority to call tenders [F&G r.11(1)]. 2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement [F&G r.11(f)]. 3. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is $250,000 or less [F&G.r.11(2). r.11(2)(aa) the supply of the goods or services is associated with a state of emergency; r.11(2)(h) the following apply- (i) the goods or services are to be supplied by — (I) a person registered on the Aboriginal Business Directory WA published by the Chamber of Commerce and Industry of Western Australia Limited ABN 96 929 977 985; or (II) Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation) ABN 50 134 720 362; r.11(2)(ja) the contract is a renewal or extension of the term of a contract (the original contract) r.11(3) For the purposes of subregulation (2)(aa) a supply of goods or services is associated with a state of emergency if — see [F&G r.11(3)] for further information 4. Authority to invite tenders although not required to do so [F&G r.13]. 5. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 6. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 7. Authority to vary tender information after public notice of invitation to

	tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)]. 8. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&G r.18(4)]. 9. Authority to accept a tender which does not exceed the value detailed as a condition on this Delegation and in accordance with s.5.43(b). and; Authority to accept and reject tenders in accordance with the requirements of the Functions and General Regulations [F&G r.18]. 10 Authority to determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender and negotiate minor variations with the successful tenderer before entering into a contract, in accordance with Council Conditions on this delegation. [F&G r.20(1) (3)]. 11. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)]. 12. Authority to decline to accept any tender [F&G r.18(5)]. 13. If the chosen tenderer is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer, authority to choose the next most advantageous tender to accept [F&G r.20(2)] 14. Authority to: i. Vary a contract that has been entered into with a successful tenderer, provided the variation/s do not change the scope of the original contract or as per Council conditions on this delegation ii. Exercise an extension option that was included in the original tender specification and contract in accordance with r.11(2)(j)(ja). [F&G r.21A] and before the contract is to expire. 15. Authority to accept another tender where within 6-months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract [F&G r.18(6) (7)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Functions and General) Regulations 1996.*
Council Conditions on this Delegation:	a. Sole supplier arrangements may only be approved where a record is retained that evidences: i. A detailed specification; ii. The outcomes of market testing of the specification; iii. The reasons why market testing has not met the requirements of the specification; and iv. Rationale for why the supply is unique and cannot be sourced through other suppliers; b. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget and where the: i. proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government, ii. current supply contract expiry is imminent, iii. value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and iv. The tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council. c. Tender exempt procurement is required to have the expense included

	in the adopted annual budget, unless exercising the requirement for emergency purchasing under the definition of *Emergency* or a declared State of Emergency. d. In accordance with s.5.43, tenders may only be accepted and panels of pre-qualified suppliers established, where the total consideration under the resulting contract is $250,000 or less and the expense is included in the adopted Annual Budget. e. A minor variation negotiation, in relation to an invitation to Tender, is subject to a maximum 20% variation and is not to exceed $500,000. f. The variation of a contract is subject to a maximum limit of a 15% increase of the contract value. *Actions under this Delegation are required to comply with any related local laws and/or policies.*

Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Not sub-delegated

Date of Adoption:	26/05/2020	**Adoption Ref:**	Minute 070520
Date of Review:	28/07/2020		
Responsible Directorate:	Chief Executive Officer		
Legislation:	Local Government Act 1995 Local Government (Functions and General) Regulations 1996 Recordkeeping Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19		
Related Local Laws and/or Policies:	Council Policy - CP20 Purchasing – Amended for State of Emergency Management Policy MP04 Purchasing		

Delegation

CEO101 – Payments from the Municipal or Trust Funds

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995:* *Local Government (Financial Management) Regulations1996*: r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to make payments from the municipal or trust funds [r.12(1)(a)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Financial Management) Regulations1996*.
Council Conditions on this Delegation:	a. Authority to make payments is subject to Council approved budget. b. or the payments have been authorised by a resolution of Council in advance, or authorised in advance by the Shire President in an emergency. c. A list of payments is presented to Council in accordance with Financial Management Regulations 13. d. All payments are signed by two delegated signatories, one being the CEO or Executive Manager and the other sub-delegated by the CEO. *Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Executive Manager Corporate & Community Executive Manager Infrastructure & Development Coordinator Administration Supervisor Finance

Date of Adoption:	27/08/2019	**Adoption Ref:**	Minute 060819
Date of Review:	28/07/2020		
Responsible Directorate:	Council		
Legislation:	Local Government Act 1995 – Section 5.46(3) Local Government (Financial Management) Regulations1996 Recordkeeping Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19		
Related Local Laws and/or Policies:	Council Policy – CP20 Purchasing		

Delegation

CEO102 – Trust Fund

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995:* s.6.9(4) Trust fund
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to transfer money, where money has been held in the trust fund for 10 years it may be transferred to the municipal fund but the local government is required to repay the money, together with any interest earned from its investment, from that fund to a person claiming and establishing a right to the repayment. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations.*
Council Conditions on this Delegation:	*Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Executive Manager Corporate & Community Executive Manager Infrastructure & Development

Date of Adoption:	28/05/2019	**Adoption Ref:**	Minute 050519
Date of Review:	28/07/2020		
Responsible Directorate:	Council		
Legislation:	Local Government Act 1995 Recordkeeping Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19		
Related Local Laws and/or Policies:			

Delegation

CEO103 – Expression of Interest Goods and Services

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996:* r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21]. 2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r.23]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Functions and General) Regulations 1996*.
Council Conditions on this Delegation:	a. Compliance with Delegation CEO100 - Tender for Goods and Services b. Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services. *Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Not sub delegated

Date of Adoption:	27/08/2019	**Adoption Ref:**	Minute 060819
Date of Review:	28/07/2020		
Responsible Directorate:	Council		
Legislation:	Local Government Act 1995 Local Government (Functions and General) Regulations 1996 Recordkeeping Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19		
Related Local Laws and/or Policies:	Council Policy - CP20 Purchasing		

Delegation

CEO104 – Application of Regional Price Preference Policy

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government (Functions and General) Regulations 1996:* r.24G Adopted regional price preference policy, effect of
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to decide when not to apply the regional price preference policy to a particular tender in the future for a contract of that type [F&G r.24G]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Functions and General) Regulations 1996.*
Council Conditions on this Delegation:	*Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Not sub delegated

Date of Adoption:	27/08/2019	**Adoption Ref:**	Minute 060819
Date of Review:	28/07/2020		
Responsible Directorate:	Council		
Legislation:	Local Government Act 1995 – Section 5.46(3) Local Government (Functions and General) Regulations 1996 Recordkeeping Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19		
Related Local Laws and/or Policies:	Council Policy - CP01 Localised Purchasing (Regional Price Preference) Council Policy - CP20 Purchasing		

Delegation

CEO105 – Appoint Authorised Persons

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land] s.9.10 Appointment of authorised persons
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to appoint persons or classes of persons as authorised persons for the purpose of fulfilling prescribed functions within the *Local Government Act 1995* and its subsidiary legislation, including Local Government Act Regulations, the *Local Government (Miscellaneous Provisions) Act 1960* and Local Laws made under the Local Government Act. [s.3.24 and s.9.10]. 2. Authority to appoint authorised persons for the purposes of section 9.16 of the *Local Government Act 1995,* as a precondition for appointment as authorised officers in accordance with Regulation 70(2) of the *Building Regulations 2012* and section 6(b) of the *Criminal Procedure Act 2004*. 3. Authority to appoint authorised person for the purposes of the *Graffiti Vandalism Act 2016*, which prescribes Part 9 of the *Local Government Act 1995* as the enabling power [s.15 of the *Graffiti Vandalism Act 2016*]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations*.
Council Conditions on this Delegation:	a. A Register of Authorised Persons is to be maintained as a Local Government Record. b. Only persons who are appropriately qualified and trained may be appointed as authorised persons. *Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Not sub-delegated

Date of Adoption:	10/12/2019	**Adoption Ref:**	Minute 041219
Date of Review:	28/07/2020		
Responsible Directorate:	Council		
Legislation:	Local Government Act 1995 Graffiti Vandalism Act 2016 Recordkeeping Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19		
Related Local Laws and/or Policies:	Schedule of Authorised Persons Management Policy - MP02 Purchasing Order Authorisation		

Delegation

CEO106 – Compensation for Damage Incurred when Performing Executive Functions

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995:* s.3.22(1) Compensation s.3.23 Arbitration
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. In accordance with the s.3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of executive functions and make payment of compensation [s.3.22(1)]. 2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations*.
Council Conditions on this Delegation:	a. Delegation is limited to settlements which do not exceed a material value of $5,000. *Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Executive Manager Infrastructure & Development

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Local Government Act 1995 *Recordkeeping* Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19		
Related Local Laws and/or Policies:			

Delegation

CEO107 – Powers of Entry

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995:* s.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to exercise powers of entry to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law [s.3.28]. 2. Authority to give notice of entry [s.3.32]. 3. Authority to seek and execute an entry under warrant [s.3.33]. 4. Authority to execute entry in an emergency, without notice if not practicable. Using such force as is reasonable [s.3.34(1) (3) (5)]. 5. Authority to give notice and effect entry by opening a fence [s.3.36]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations*.
Council Conditions on this Delegation:	a. Delegated authority under s.3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property. *Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Executive Manager Infrastructure & Development

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Local Government Act 1995 Recordkeeping Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19		
Related Local Laws and/or Policies:			

Delegation

CEO108 – Declare Vehicle is Abandoned Vehicle Wreck

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995* s.3.40A(4) Abandoned vehicle wreck may be taken
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations*.
Council Conditions on this Delegation:	a. Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegation *CEO109 Confiscated or Uncollected Goods* or alternatively, referred for Council decision. *Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Executive Manager Infrastructure & Development

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Local Government Act 1995 Recordkeeping Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19		
Related Local Laws and/or Policies:	Council Policy CP43 Disposal of Property		

Delegation

CEO109 – Confiscated or Uncollected Goods

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	Local Government Act 1995: s.3.46 Goods may be withheld until costs paid s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to refuse to allow goods impounded under s.3.39 or 3.40A, or removed under s.3.40 or 3.40A to be collected until the costs of removing and/or impounding and keeping them have been paid to the local government. [s.3.46] 2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47]. 3. Authority to recover expenses if goods are removed and impounded under section 3.39 and the alleged offender is convicted, by action in a court of competent jurisdiction [s.3.48]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Function and General) Regulations 1996.*
Council Conditions on this Delegation:	a. May be disposed of by any means considered to provide best value, provided the process is transparent and accountable. *Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Executive Manager Infrastructure & Development Manager Regulatory Services

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Local Government Act 1995 Local Government (Functions and General) Regulations 1996 Recordkeeping Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19		
Related Local Laws and/or Policies:	Council Policy CP43 Disposal of Property		

Delegation

CEO110 – Disposal of Sick or Injured Animals

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	Local Government Act 1995: s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine when an impounded animal is ill or injured to an extent that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)]. 2. Authority to recover expenses if goods are removed and impounded under section 3.39 and the alleged offender is convicted, by action in a court of competent jurisdiction [s.3.48]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations*.
Council Conditions on this Delegation:	As per the Local Government Act a. On the condition that the animal has been impounded for no less than 7 days and reasonable steps have been taken to notify the owner [s.3.47A(2)(3)]. *Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Executive Manager Infrastructure & Development

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Local Government Act 1995 Recordkeeping Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19		
Related Local Laws and/or Policies:	Council Policy CP43 Disposal of Property		

Delegation

CEO111 – Close Thoroughfares to Vehicles

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995* s.3.50 Closing certain thoroughfares to vehicles s.3.50A Partial closure of thoroughfare for repairs or maintenance s.3.51 Affected owners to be notified of certain proposals
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)]. 2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks [s.3.50(1a) (2) (4)]. 3. Authority to revoke an order to close a thoroughfare [s.3.50(6)]. 4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Functions & General) Regulations 1996.*
Council Conditions on this Delegation:	As per the Local Government Act a. Before doing anything to which section 3.51 applies, fixing or alter the level or alignment of a public thoroughfare or draining water from a public thoroughfare or other public place onto adjoining land, a person having an interest is to be notified in writing. If any land is likely to be adversely affected by doing of the thing, give local public notice. Allow reasonable time for submissions and consider any submissions made. [s3.51]. b. In determining to close a thoroughfare for a period exceeding 4 weeks [s.3.50(1a) (2) (4)] and before doing so, to: • give; public notice • give written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and • consider submissions relevant to the road closure/s proposed [s.3.50(1a) (2) (4)]. c. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)]. d. Maintain access to adjoining land [s.3.52(3)] (relevant to the metropolitan area or a Townsite only). *Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	Executive Manager Infrastructure & Development Works Supervisor

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Local Government Act 1995 Recordkeeping Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19		
Related Local Laws and/or Policies:			

Delegation

CEO112 – Control Reserves and Certain Unvested Facilities

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995* s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)]. 2. Authority to do anything for the purpose of controlling and managing land that is vested in or placed under the control and management of the Shire of Irwin, that it could do under s.5 of the *Parks and Reserves Act 1895*. [s.3.54(1)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations*.
Council Conditions on this Delegation:	a. Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets. *Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Not subdelegated

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Local Government Act 1995 Recordkeeping Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19		
Related Local Laws and/or Policies:			

Delegation

CEO113 – Obstruction of Footpaths and Thoroughfares

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government (Uniform Local Provisions) Regulations 1996* r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a) r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b) r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to give, 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: [ULP r.5(2)] a. prevent damage to the footpath; or b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)]. 2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) (4)]. 3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)]. 4. Authority to require an owner or occupier of land to remove anything that has fallen from the land or from anything on the land and is obstructing a public thoroughfare [ULP r.7A]. 5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Uniform Local Provisions) Regulations 1996.*
Council Conditions on this Delegation:	a. Permission may only be granted where, the proponent has: i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. *Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Executive Manager Infrastructure & Development Works Supervisor

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Local Government Act 1995 Local Government (Uniform Local Provisions) Regulations 1996 Recordkeeping Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19		
Related Local Laws and/or Policies:	Activities on Thoroughfares and Trading Places in Thoroughfares and Public Places Local Law		

Delegation

CEO114 – Gates Across Public Thoroughfares

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government (Uniform Local Provisions) Regulations 1996* r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to provide, or refuse to provide permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)]. 2. Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)]. 3. Authority to impose conditions on granting permission [ULP r.9(4)]. 4. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)]. 5. Authority to cancel permission by written notice, and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9(6)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Uniform Local Provisions) Regulations 1996.*
Council Conditions on this Delegation:	a. Each approval provided must be recorded in the Shire of Irwin's statutory Register of Gates in accordance with Uniform Local Provisions Regulation 9(8). *Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Executive Manager Infrastructure & Development Works Supervisor

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Local Government Act 1995 Local Government (Uniform Local Provisions) Regulations 1996 Recordkeeping Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19		
Related Local Laws and/or Policies:	Activities on Thoroughfares and Trading Places in Thoroughfares and Public Places Local Law		

Delegation

CEO115 – Public Thoroughfare – Dangerous Excavations

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government (Uniform Local Provisions) Regulations 1996* r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)]. 2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)]. 3. Authority to impose conditions on granting permission [ULP r.11(6)]. 4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Uniform Local Provisions) Regulations 1996.*
Council Conditions on this Delegation:	Permission may only be granted where, the proponent has: i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. *Actions under this Delegation are required to comply with any related local law, policies and procedures.*

Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Executive Manager Infrastructure & Development Works Supervisor

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Local Government Act 1995 Local Government (Uniform Local Provisions) Regulations 1996 Recordkeeping Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19		

Related Local Laws and/or Policies:	Activities on Thoroughfares and Trading Places in Thoroughfares and Public Places Local Law

Delegation

CEO116 – Crossing – Construction, Repair and Removal

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government (Uniform Local Provisions) Regulations 1996* r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7(2) r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r,12(1)]. 2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)]. 3. Authority to, subject to regulation 14(2), give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)]. 4. Authority to, if the person fails to comply with the notice, construct or repair the crossing as the notice required and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Uniform Local Provisions) Regulations 1996.*
Council Conditions on this Delegation:	*Actions under this Delegation are required to comply with any related local law, policies and procedures.*

Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Executive Manager Infrastructure & Development Works Supervisor

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Local Government Act 1995 – Section 5.46(3) Local Government (Uniform Local Provisions) Regulations 1996 Recordkeeping Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19		
Related Local Laws and/or Policies:	Council Policy - P20 Vehicle Crossover Policy Activities on Thoroughfares and Trading Places in Thoroughfares and Public Places Local Law		

Delegation

CEO117 – Private Works on, over or under Public Places

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government (Uniform Local Provisions) Regulations 1996* r.17 Private works on, over, or under public places – Sch.9.1 cl.8
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)]. 2. Authority to impose conditions on permission including but not limited to those prescribed in r.17(5) [ULP r.17(5)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Uniform Local Provisions) Regulations 1996.*
Council Conditions on this Delegation:	Permission may only be granted where, the proponent has: i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. *Actions under this Delegation are required to comply with any related local law, policies and procedures.*

Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Non-subdelegated

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Local Government Act 1995 Local Government (Uniform Local Provisions) Regulations 1996 Recordkeeping Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19		
Related Local Laws and/or Policies:	Activities on Thoroughfares and Trading Places in Thoroughfares and Public Places Local Law		

Delegation

CEO118 – Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government (Uniform Local Provisions) 1996* r.21(1) Wind erosion and sand drifts – Sch.9.1 cl.12
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to give notice to an owner and/or occupier of land if it is considered that clearing the owner and/or occupier's land might cause local government land having a common boundary, to be adversely affected by wind erosion or sand drift [ULP r.21(1)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Uniform Local Provisions) 1996.*
Council Conditions on this Delegation:	*Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Executive Manager Infrastructure & Development Works Supervisor

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Local Government Act 1995 Local Government (Uniform Local Provisions) Regulations 1996 Recordkeeping Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19		
Related Local Laws and/or Policies:			

Delegation

CEO119 – Disposal of Property

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995* s.3.58(2) & (3) Disposing of Property *Local Government (Functions & General) Regulations 1996* r.30 Disposition of property excluded from Act s.3.58
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to dispose of property: (a) to the highest bidder at public auction [s.3.58(2)(a)]. (b) to the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tender [s.3.58(2)(b)]. 2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of local public notice [s.3.58(3)]. 3. Authority to dispose of property excluded from Act s.3.58 [(F&G) r.30(1)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Functions & General) Regulations 1996.*
Council Conditions on this Delegation:	a. acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph [s5.43(d)], that amount being a maximum value of $50,000 or less. *Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Executive Manager Corporate & Community Executive Manager Infrastructure & Development

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Local Government Act Local Government (Functions and General) Regulations 1995 Recordkeeping Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19		
Related Local Laws and/or Policies:	Council Policy CP43 Disposal of Property		

Delegation

CEO120 – Defer, Grant Discounts, Waive or Write off Debts

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995* s.6.12 Power to defer, grant discounts, waive or write off debts
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Waive a debt which is owed to the Shire of Irwin [s.6.12(1)(b)]. 2. Waive or grant a concession in relation to money which is owed to the Shire of Irwin [s.6.12(1)(b)]. 3. Write off any amount of money which is owed to the Shire of Irwin [s.6.12(1)(c)] *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations*.
Council Conditions on this Delegation:	a. This Delegation does not apply to debts, which are prescribed as debts that are taken to be a rate or service charge. b. A debt may only be waived or concession be granted for charitable; or not for profit community groups. c. A debt may only be written off where all necessary measures have been taken to locate/contact the debtor and where costs associated continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire of Irwin. i. Limited to individual debts valued below $1,000 or cumulative debts of a debtor valued below $1,000. Write off of debts greater than these values must be referred for Council decision. *Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Executive Manager Corporate & Community

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Local Government Act 1995 Recordkeeping Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19		
Related Local Laws and/or Policies:			

Delegation

CEO121 – Power to Invest and Manage Investments

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995* s.6.14 Power to invest *Local Government (Financial Management) Regulations 1996* r.19 Investments, control procedures for
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose, under the Trustees Act Part III [s.6.14(1)]. 2. Authority to establish and document internal control procedures to be followed by employees in the investment and management of investments [FM r.19]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.*
Council Conditions on this Delegation:	a. All investment activity must comply with the Financial Management Regulation 19C and Council Policy C15 Management of Investments. b. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports. c. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. d. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within every 3 financial years. [Audit r.17] *Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Executive Manager Corporate & Community Supervisor Finance

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Local Government Act 1995 Local Government (Financial Management) Regulations 1996 Recordkeeping Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19		

Related Local Laws and/or Policies:	Council Policy C15 Management of Investments

Delegation

CEO122 – Rate Record Amendment

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995* s.6.39(2)(b) Rate record
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to amend the rate record for the 5 years preceding the current financial year [s.6.39(2)(b)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations*.
Council Conditions on this Delegation:	a. Delegates must comply with the requirements of s.6.40 of the Act. *Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Executive Manager Corporate & Community Supervisor Finance

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Local Government Act 1995 Recordkeeping Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal (SAT)		
Related Local Laws and/or Policies:			

Delegation

CEO123 – Agreement as to Payment of Rates and Service Charges

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995* s.6.49 Agreement as to payment of rates and service charges
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person [s.6.49]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations*.
Council Conditions on this Delegation:	*Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Executive Manager Corporate & Community Supervisor Finance

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Local Government Act 1995 Recordkeeping Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19		
Related Local Laws and/or Policies:	CP14 Debt Recovery		

Delegation

CEO124 – Determine Due Date for Rates or Service Charges

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995* s.6.50 Rates or service charges due and payable
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine the date on which rates or service charges become due and payable to the Shire of Irwin [s.6.50]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations*.
Council Conditions on this Delegation:	a. The annual budget process captures the due dates for rates and service charges, however this delegation allows for minor adjustments for administrative purposes. *Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Not sub-delegated

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Local Government Act 1995 Recordkeeping Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19		
Related Local Laws and/or Policies:			

Delegation

CEO125 – Recovery of Rates or Service Charges

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995* s.6.56 Rates or service charges recoverable in court
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)]. 2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations*.
Council Conditions on this Delegation:	a. Decisions under this delegation must comply with Council Policy CP14 Debt Recovery and CP41 Financial Hardship for a declared State of Emergency. *Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Not sub-delegated

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Local Government Act 1995 Recordkeeping Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19		
Related Local Laws and/or Policies:	Council Policy CP14 Debt Recovery Council Policy CP41 Financial Hardship – for a declared State of Emergency		

Delegation

CEO126 – Recovery of Rates – Lessee to Pay Rent

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995* s.6.60 Local Government may require lessee to pay rent
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to give notice, if payment of a rate or service charge imposed in respect of any land is due and payable, notice may be given to the lessee of the land requiring the lessee to pay to the Shire of Irwin any rent as it falls due in satisfaction of the rate or service charge. [s.6.60(2)]. 2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations*.
Council Conditions on this Delegation:	a. Decisions under this delegation must comply with Council Policy CP14 Debt Recovery and CP41 Financial Hardship for a declared State of Emergency. *Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Not sub-delegated

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Recordkeeping Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19		
Related Local Laws and/or Policies:	Council Policy CP14 Debt Recovery Council Policy CP41 Financial Hardship – for a declared State of Emergency		

Delegation

CEO127 – Rate Record - Objections

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995* s.6.76 Grounds of objection
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)]. 2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)(6)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.*
Council Conditions on this Delegation:	A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination under this Delegation. *Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Executive Manager Corporate & Community Supervisor Finance

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Local Government Act 1995 Recordkeeping Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal		
Related Local Laws and/or Policies:	Council Policy CP14 Debt Recovery		

Delegation

CEO128 – Issuing Notices to Owner or Occupier of Land

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995* s.3.25 Notices requiring certain things to be done by owner or occupier of land s.3.26 Additional powers when notices given
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to give a person who is the owner or, unless Schedule 3.1 indicates otherwise, the occupier of land a notice in writing relating to the land requiring the person to do anything specified in the notice [s.3.25(1)]. 2. Authority to do anything that it considers necessary to achieve, so far as is practicable, the purpose for which the notice was given, If the person who is given the notice (notice recipient) fails to comply with it [s.3.26(2)]. 3. Authority to recover the cost of anything it does under subsection (2) as a debt due from the person who failed to comply with the notice [s.3.26(3)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations*.
Council Conditions on this Delegation:	*Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Executive Manager Infrastructure & Development

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Local Government Act 1995 Recordkeeping Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal		
Related Local Laws and/or Policies:			

Delegation

CEO129 – Actions on Land that is not Local Government Property

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995* s.3.27 Particular things local Governments can do on land that is not local government property
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to do any of the things prescribed in Schedule 3.2, in performing its general function, even though the land on which it is done is not local government property and the local government does not have consent to do it [s.3.27(1)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations*.
Council Conditions on this Delegation:	*Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Executive Manager Infrastructure & Development Works Supervisor Parks and Gardens Supervisor

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Local Government Act 1995 Recordkeeping Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal		
Related Local Laws and/or Policies:			

Delegation

CEO130 – Works Required for Supply of Gas or Water

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government (Uniform Local Provisions) Regulations 1996*: r.20(1) Works required for supply of gas or water — Sch. 9.1 cl. 11
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Where the Local Government is responsible for supplying water or gas, authority to carry out works that are necessary for the purpose of providing, maintaining or modifying the supply system [ULP r.20(1)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Uniform Local Provisions) Regulations 1996*.
Council Conditions on this Delegation:	a. Works may only be undertaken where there is an approved budget allocation. *Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Executive Manager Infrastructure & Development

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Local Government Act 1995 Recordkeeping Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal		
Related Local Laws and/or Policies:			

2 Building Act 2011 Delegations

Delegation

CEO200 – Grant a Building Permit

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* *s.127(1) & (3) Delegation: special permit authorities and local government*
Express Power or Duty Delegated:	*Building Act 2011:* s.18 Further Information s.20 Grant of building permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit *Building Regulations 2012:* r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to require an applicant to provide any documentation or information, within a specified time of not more than 21 days that it requires to determine a building permit application [s.18(1)]. 2. Authority to grant or refuse to grant a building permit [s.20(1) (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a building permit before the building work is complete [s.27(1) (3)]. 4. Authority to determine an application to extend time during which a building permit has effect [r.23 and 24]. 5. Authority to approve an application for a new responsible person for a building permit [r.26]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Building Act 2011 and Building Regulations 2012*.
Council Conditions on this Delegation:	a. As per Building Regulation 2012 Decisions under this delegated authority should be either undertaken or informed by a person having the appropriate experience or qualifications in accordance with r.5. *Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	Building Act 2011: s.127(6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section.
Sub-Delegate/s: *Appointed by CEO*	Executive Manager Infrastructure & Development Manager Regulatory Services

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Building Act 2011 Building Regulations 2012		

	Building Services (Registration Act) 2011 – Section 7 Home Building Contracts Act 1991–Part 3A, Division 2 – Part 7, Division 2 Building and Construction Industry Training Levy Act 1990 Heritage of Western Australia Act 1990 *Recordkeeping* *Building Act 2011 s.130*
Related Local Laws and/or Policies:	

Delegation

CEO201 – Demolition Permits

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Act 2011:* s.18 Further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit *Building Regulations 2012:* r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to require an applicant to provide any documentation or information, within a specified time of not more than 21 days that it requires to determine a demolition permit application [s.18(1)]. 2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a demolition permit, before demolition works are complete. [s.27(1) (3)]. 4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Building Act 2011 and Building Regulations 2012*.
Council Conditions on this Delegation:	a. As per Building Regulation 2012 Decisions under this delegated authority should be either undertaken or informed by a person having the appropriate experience or qualifications in accordance with r.5. *Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	Building Act 2011: s.127(6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section.
Sub-Delegate/s: *Appointed by CEO*	Executive Manager Infrastructure & Development Manager Regulatory Services

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Building Act 2011 Building Regulations 2012		

	Building Services (Registration Act) 2011 – Section 7 Home Building Contracts Act 1991–Part 3A, Division 2 – Part 7, Division 2 Building and Construction Industry Training Levy Act 1990 Heritage of Western Australia Act 1990 *Recordkeeping* *Building Act 2011 s.130*
Related Local Laws and/or Policies:	

Delegation

CEO202 – Occupancy Permits or Building Approval Certificates

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Act 2011*: Division 3 — Making and dealing with applications for occupancy permits and building approval certificates s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.62(1) and (3) Conditions imposed by permit authority s.65(4) Extension of period of duration *Building Regulations 2012* r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to require an applicant to provide any documentation or information required, within a specified time of not more than 21 days in order to determine an application [s.55]. 2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58]. 3. Authority to impose, add, vary or revoke conditions on an occupancy permit, while the occupancy permit or building approval certificate has effect. [s.62(1) and (3)]. 4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Building Act 2011 and Building Regulations 2012*.
Council Conditions on this Delegation:	a. As per Building Regulation 2012 Decisions under this delegated authority should be either undertaken or informed by a person having the appropriate experience or qualifications in accordance with r.5. *Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	Building Act 2011: s.127(6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section.
Sub-Delegate/s: *Appointed by CEO*	Executive Manager Infrastructure & Development Manager Regulatory Services

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Building Act 2011 Building Regulations 2012		

	Building Services (Registration Act) 2011 – Section 7 Home Building Contracts Act 1991–Part 3A, Division 2 – Part 7, Division 2 Building and Construction Industry Training Levy Act 1990 Heritage of Western Australia Act 1990 *Recordkeeping* *Building Act 2011 s.130*
Related Local Laws and/or Policies:	

Delegation

CEO203 – Authorised and Approved Persons/Officers

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Act 2011:* s.96(3)(6) Authorised persons s.99(3) Limitation on powers of authorised person *Building Regulations 2012:* r.70 Approved officers and authorised officers
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to designate a local government employee as an authorised person [s.96(3)]. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that employee [s.99(3)]. 4. Authority to appoint a specified employee of the local government as an approved officer for the purposes of s.6(a) of the *Criminal Procedure Act 2004* [70(1),(1A)]. 5. Authority to appoint to be an authorised officer for the purposes of the *Criminal Procedure Act 2004* section 6(b), a person appointed under the *Local Government Act 1995* section 9.10(1) and authorised for the purpose of performing functions under section 9.16 of that Act [70(2)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Building Act 2011 and Building Regulations 2012*.
Council Conditions on this Delegation:	*Actions under this Delegation are required to comply with any related local law* and/or *policies.*

Express Power to Sub-Delegate:	Building Act 2011: s.127(6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section.
Sub-Delegate/s: *Appointed by CEO*	Not sub delegated

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Building Act 2011 Building Regulations 2012 *Recordkeeping* *Building Act 2011 s.130*		
Related Local Laws and/or Policies:			

Delegation

CEO204 – Building Orders

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Act 2011*: s.110(1) Building Orders s.111(1) Notice of proposed building order other than building order (emergency) s.117-Revocation of building order s.118(2) (3) Permit authority may give effect to building order if non-compliance s.133(1) Prosecutions
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to make Building Orders in relation to: a. Building work b. Demolition work c. An existing building or incidental structure [s.110(1)]. 2. Authority to give notice of a proposed building order and consider submissions received in response [s.111(1)(c)]. 3. Authority to, by notice in writing revoke a building order at any time. [s.117(1)]. 4. If there is non-compliance with a building order, authority to cause an authorised person to: a. take any action specified in the order; or b. commence or complete any work specified in the order; or c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)]. 5. Authority to take court action to recover as a debt from a person who has been served with a copy of a building order the reasonable costs and expenses incurred in doing anything under s.118(2) in relation to the order. [s.118(3)]. 6. Authority to initiate a prosecution for an offense against this Act [s.133(1)] (see Council conditions) *Actions under this Delegation are required to comply with procedural requirements detailed in the Building Act 2011 and Building Regulations 2012*.
Council Conditions on this Delegation:	a. Decisions under this delegated authority should be in accordance with r.5 of the Building Regulations 2012. b. Authority to initiate a prosecution for an offense against this Act [s.133(1)] is limited to non-compliance with a building order made pursuant to section 110 of the *Building Act 2011*. *Actions under this Delegation are required to comply with any related local law* and/or *policies.*

Express Power to Sub-Delegate:	Building Act 2011: s.127(6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section.

Sub-Delegate/s: *Appointed by CEO*	Executive Manager Infrastructure & Development - limited

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Building Act 2011 *Recordkeeping* *Building Act 2011 s.130*		
Related Local Laws and/or Policies:			

Delegation

CEO205 – Inspection and Copies of Building Records

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Act 2011:* s.131(2) Inspection, copies of building records
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to, on application by an interested person and on payment of the prescribed fee, if any — (a) allow the interested person to inspect a building record; and (b) provide to the interested person a copy of a building record [s.131(2)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Building Act 2011 and Building Regulations 2012*.
Council Conditions on this Delegation:	*Actions under this Delegation are required to comply with any related local law* and/or *policies.*

Express Power to Sub-Delegate:	Building Act 2011: s.127(6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section.
Sub-Delegate/s: *Appointed by CEO*	Executive Manager Infrastructure & Development Executive Manager Corporate & Community Manager Regulatory Services Coordinator Administration Supervisor Finance

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Building Act 2011 *Recordkeeping* *Building Act 2011 s.130*		
Related Local Laws and/or Policies:			

Delegation

CEO206 – Referrals and Issuing Certificates

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Act 2011:* s.145A Local Government functions
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)]. 2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance that is signed by a building surveyor who is employed by the local government whether or not a. the building or incidental structure that is the subject of the application is, or is proposed to be, located in the local government's district; or b. the applicant is an owner or occupier of land in the local government's district [s.145A(2)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Building Act 2011 and Building Regulations 2012*.
Council Conditions on this Delegation:	*Actions under this Delegation are required to comply with any related local law* and/or *policies.*

Express Power to Sub-Delegate:	Building Act 2011: s.127(6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section.
Sub-Delegate/s: *Appointed by CEO*	Executive Manager Infrastructure & Development Manager Regulatory Services

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Building Act 2011 *Recordkeeping* *Building Act 2011 s.130*		
Related Local Laws and/or Policies:			

Delegation

CEO207 – Private Pool Barrier – Alternative and Performance Solutions

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Regulations 2012:* r.51 Approvals by permit authority
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926.1 [r.51(2)]. 2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)]. 3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Building Act 2011 and Building Regulations 2012*.
Council Conditions on this Delegation:	*Actions under this Delegation are required to comply with any related local law* and/or *policies.*

Express Power to Sub-Delegate:	Building Act 2011: s.127(6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section.
Sub-Delegate/s: *Appointed by CEO*	Executive Manager Infrastructure & Development Manager Regulatory Services

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Building Act 2011 *Recordkeeping* *Building Act 2011 s.130*		
Related Local Laws and/or Policies:			

Delegation

CEO208 – Smoke Alarms – Alternative Solutions

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Regulations 2012:* r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61]. In accordance with Division 3 – Smoke Alarms. *Actions under this Delegation are required to comply with procedural requirements detailed in the Building Act 2011 and Building Regulations 2012*.
Council Conditions on this Delegation:	*Actions under this Delegation are required to comply with any related local law* and/or *policies.*

Express Power to Sub-Delegate:	Building Act 2011: s.127(6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section.
Sub-Delegate/s: *Appointed by CEO*	Executive Manager Infrastructure & Development Manager Regulatory Services

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Building Act 2011 *Recordkeeping* *Building Act 2011 s.130*		
Related Local Laws and/or Policies:			

3 Bush Fires Act 1954 Delegations

Delegation

CEO300 – Firebreaks

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.33 Local government may require occupier of land to plough or clear fire-breaks
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to, subject to subsection s.33(2) give written notice to all owners or occupiers of land within the District, or shall give notice to all owners or occupiers of land in its district by publishing a notice in the Government Gazette and in a newspaper circulating in the area requiring within a time specified in the notice and to the satisfaction of the Shire of Irwin: a. clearing and maintaining of firebreaks as determined necessary and specified in the notice; and b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and c. as a separate or coordinated operation with any other person carry out a similar operation on adjoining or neighbouring land [s.33(1)]. 2. Authority to direct a Bush Fire Control Officer or any other officer of the local government to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)]. a. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice in any court of competent jurisdiction as a debt due from the owner or occupier of land to the local government [s.33(5)]. 3. Authority to, at the request of the owner or occupier of land within Shire of Irwin district, carry out on the land, at the expense of the owner or occupier, any works for the removal or abatement of a fire danger, and the amount of the expense, if not paid on demand, may be recovered from the owner or occupier in a court of competent jurisdiction as a debt due from the owner or occupier to the local government. [s.33(6)] *Actions under this Delegation are required to comply with procedural requirements detailed in the Bush Fire Act 1954.*
Council Conditions on this Delegation:	*Actions under this Delegation are required to comply with any related local law* and/or *policies.*

Express Power to Sub-Delegate:	NIL – Sub-delegation is prohibited by s.48(3)
Sub-Delegate/s: *Appointed by CEO*	Not sub-delegated

Date of Adoption:	23/07/2019	**Adoption Ref:**	Minute 090719
Date of Review:	28/07/2020		
Responsible Directorate:	Council		
Legislation:	Bush Fires Act 1954 - s.50		
Related Local Laws and/or Policies:	Council Policy - CP02 Fire Management		

Delegation

CEO301 – Make Request to FES Commissioner – Control of Fire

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.13(4) Duties and powers of bush fire liaison officers
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to request on behalf of the Shire of Irwin that the FES Commissioner authorise a Bush Fire Liaison Officer or another person to take control of all operations in relation to the fire. [s.13(4)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Bush Fire Act 1954.*
Council Conditions on this Delegation:	*Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	NIL – Sub-delegation is prohibited by s.48(3)
Sub-Delegate/s: *Appointed by CEO*	Not sub-delegated

Date of Adoption:	23/07/2019	**Adoption Ref:**	Minute 090719
Date of Review:	28/07/2020		
Responsible Directorate:	Council		
Legislation:	Bush Fires Act 1954 - s.50		
Related Local Laws and/or Policies:	Council Policy - CP02 Fire Management		

Delegation

CEO302 – Prohibited Burning Times - Vary

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government s. 17(10) A local government may by resolution delegate to its mayor, or president, and its Chief Bush Fire Control Officer, jointly its powers and duties under subsections (7) and (8)
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.17(7) Prohibited burning times may be declared by Minister.
Delegate:	**President and Chief Bush Fire Control Officer (jointly)**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to, subject to subsection s.17(7B), in any year in which a local government considers that seasonal conditions warrant a variation of the prohibited burning times in its district, after consultation with an authorised CALM Act officer if forest land is situated in the district, vary the prohibited burning times in respect of that year in the district or a part of the district by — (a) shortening, extending, suspending or reimposing a period of prohibited burning times; or (b) imposing a further period of prohibited burning times. [s.17(7)] In accordance with the provisions of s.17(7B) (8). *Actions under this Delegation are required to comply with procedural requirements detailed in the Bush Fire Act 1954.*
Council Conditions on this Delegation:	*Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	NIL – Sub-delegation is prohibited by s.48(3)
Sub-Delegate/s: *Appointed by CEO*	Not sub-delegated

Date of Adoption:	23/07/2019	**Adoption Ref:**	Minute 090719
Date of Review:	28/07/2020		
Responsible Directorate:	Council		
Legislation:	Bush Fires Act 1954 - s.50		
Related Local Laws and/or Policies:	Council Policy - CP02 Fire Management		

Delegation

CEO303 – Restricted Burning Times - Vary

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.18(5) Restricted burning times may be declared by FES Commissioner *Bush Fire Regulations 1954:* r.15C Local government may prohibit burning on certain days
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority, subject to subsection s.18(5B), where seasonal conditions warrant it and after consultation with an authorised CALM Act officer if forest land is situated in its district, to - (a) vary the restricted burning times in respect of that year in the district or a part of the district by — (i) shortening, extending, suspending or reimposing a period of restricted burning times; or (ii) imposing a further period of restricted burning times; or (b) vary the prescribed conditions by modifying or suspending all or any of those conditions. [s.18(5)]. 2. Authority, by notice published in a newspaper circulating in its district, to prohibit the burning of the bush in that district on Sundays and specified public holidays during restricted burning times, and may, by subsequent notice so published, revoke that notice. [r.15C] *Actions under this Delegation are required to comply with procedural requirements detailed in the Bush Fire Act 1954.*
Council Conditions on this Delegation:	*Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	NIL – Sub-delegation is prohibited by s.48(3)
Sub-Delegate/s: *Appointed by CEO*	Not sub-delegated

Date of Adoption:	23/07/2019	**Adoption Ref:**	Minute 090719
Date of Review:	28/07/2020		
Responsible Directorate:	Council		
Legislation:	Bush Fires Act 1954 - s.50		
Related Local Laws and/or Policies:	Council Policy - CP02 Fire Management		

Delegation

CEO304 – Prohibited and/or Restricted Burning Times – Control Activities

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.18(11) Restricted burning times may be declared by FES Commissioner s.22(6) and (7) Burning on exempt land and land adjoining exempt land s.27(2) (3) (4) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land *Bush Fire Regulations 1954:* r.15 Permit to burn form of and applying for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to, during restricted burning times, where a person starts a fire on land, if the fire escapes from the land or if the fire is in the opinion of a bush fire control officer or an officer of a bush fire brigade out of control on the land, the person shall be liable to pay to the local government on the request of and for recoup to its bush fire brigade, any expenses up to a maximum amount of $10,000 incurred by it in preventing the extension of or extinguishing the fire, and such expenses may be recovered in any court of competent jurisdiction [s.18(11)]. 2. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks on the respective lands. The local government shall notify the occupier of the adjoining land of the date the burning is to take place and require him to provide by that date ploughed or cleared fire-breaks parallel to the common boundary and of a distance therefrom of not more than 60m and as specified by the local government [s.22(6) and (7)]. 3. Authority to prohibit the operation in its district of any tractor, or self-propelled harvester other than a tractor or self-propelled harvester that is equipped with a fire extinguisher, during a prohibited or restricted burning times, and to give permission for use of same during the prohibited or restricted burning time subject to compliance with requirements specified in a notice [s.27(2) (3) (4)]. 4. Authority to recover the cost of measures taken by the Bush Fire Liaison Officer or Bush Fire Control Officer or authorised CALM Act Officer, to extinguish a fire burning during prohibited and restricted burning times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire on the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].

	5. Authority to grant permits to burn during prohibited and restricted burning times that have previously been refused or granted with special conditions by a Bush Fire Control Officer [r.15]. 6. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during prohibited or restricted burning times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C]. 7. Authority to determine, during a prohibited or restricted burning time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)]. 8. Authority to issue directions, during a prohibited or restricted burning time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Bush Fire Act 1954.*
Council Conditions on this Delegation:	*Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	NIL – Sub-delegation is prohibited by s.48(3)
Sub-Delegate/s: *Appointed by CEO*	Not sub-delegated

Date of Adoption:	23/07/2019	**Adoption Ref:**	Minute 090719
Date of Review:	28/07/2020		
Responsible Directorate:	Council		
Legislation:	Bush Fires Act 1954 - s.50		
Related Local Laws and/or Policies:	Council Policy - CP02 Fire Management		

Delegation

CEO305 – Control of Operations Likely to Create Bush Fire Danger

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.27D Requirements for carriage and deposit of incendiary material *Bush Fires Regulations 1954:* r.39C Welding and cutting apparatus, use of in open air r.39CA Bee smoker devices, use of in restricted or prohibited burning times r.39D Explosives, use of r.39E Fireworks, use of
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning), in accordance with provisions in s.27D (2) (3). *Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer*. 2. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: a. a person operating a bee smoker device during a prescribed period [r.39CA(5)]. b. a person operating welding apparatus, or a power operated abrasive cutting disc [r.39C(3)]. c. a person using explosives [r.39D(2)]. d. a person using fireworks [r.39E(3) *Actions under this Delegation are required to comply with procedural requirements detailed in the Bush Fire Act 1954.*
Council Conditions on this Delegation:	*Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	NIL – Sub-delegation is prohibited by s.48(3)
Sub-Delegate/s: *Appointed by CEO*	

Date of Adoption:	23/07/2019	**Adoption Ref:**	Minute 090719
Date of Review:	28/07/2020		
Responsible Directorate:	Council		
Legislation:	Bush Fires Act 1954 - s.50		
Related Local Laws and/or Policies:	Council Policy - CP02 Fire Management		

Delegation

CEO306 – Burning Garden Refuse / Open Air Fires

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.24F Burning garden refuse during limited burning times s.24G Minister or local government may further restrict burning of garden refuse s.25 No fire to be lit in open air unless certain precautions taken s.25A Power of Minister to exempt from provisions of section 25 *Bush Fires Regulations 1954:* r.27(3) Permit, issue of
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)]. 2. Authority to, by notice of published in the *Gazette* and a newspaper circulating in the its district, prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)]: a. Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3) and r.33(5)]. b. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plant growing upon any land within the District, specified by the Shire of Irwin in a notice in writing given by it to the duly authorised officer for the Shire of Irwin [r.34]. 3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of: a. camping or cooking [s.25(1)(a)]. b. conversion of bush into charcoal or in or about a lime kiln for the production of lime, in consultation with a bush fire control officer or authorised CALM Act officer [s.25(1)(b)]. 4. Authority to prohibit the lighting of fires in the open area for the purposes of camping or cooking for such period during the prohibited burning times, as specified in a note published in the Gazette and newspaper circulating in the District and authority to cancel or vary such notice [s.25(1a) and (1b)]. 5. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person and any person acting under his instructions from lighting a fire and to determine conditions on the notice [s.25A(5)(6)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Bush Fire Act 1954.*
Council Conditions on this Delegation:	*Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	NIL – Sub-delegation is prohibited by s.48(3)
Sub-Delegate/s: *Appointed by CEO*	Not Sub-delegated

Date of Adoption:	23/07/2019	**Adoption Ref:**	Minute 090719
Date of Review:	28/07/2020		
Responsible Directorate:	Council		
Legislation:	Bush Fires Act 1954 - s.50		
Related Local Laws and/or Policies:			

Delegation

CEO307 – Appoint Bush Fire Control Officer/s and Fire Weather Officer

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.38 Local Government may appoint bush fire control officer
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and a. Of those Officers, appoint 2 as the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer; and b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)]. 2. Authority to issue directions to an appointed Bush Fire Control Officer or to an officer of a bush fire brigade registered by the Shire of Irwin to burn, subject to the provision of the *Bush Fires Act 1954*, on or at the margins of a road reserve under the care, control and management of the Shire of Irwin [s.38(5A)]. 3. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)]. a. Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Bush Fire Act 1954.*
Council Conditions on this Delegation:	*Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	NIL – Sub-delegation is prohibited by s.48(3)
Sub-Delegate/s: *Appointed by CEO*	Not Sub-delegated

Date of Adoption:	23/07/2019	**Adoption Ref:**	Minute 090719
Date of Review:	28/07/2020		
Responsible Directorate:	Council		
Legislation:	Bush Fires Act 1954 - s.50		
Related Local Laws and/or Policies:	Bush Fire Brigades Local Law		

Delegation

CEO308 – Control and Extinguishment of Bush Fires

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.46 Bush fire control officer or forest officer may postpone lighting fire
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46(1A)]. a. Where it is proposed that the fire will be lit on land within 3km of the boundary of forest land, and an authorised CALM Act officer is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Bush Fire Act 1954.*
Council Conditions on this Delegation:	*Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	NIL – Sub-delegation is prohibited by s.48(3)
Sub-Delegate/s: *Appointed by CEO*	Not Sub-delegated

Date of Adoption:	23/07/2019	**Adoption Ref:**	Minute 090719
Date of Review:	28/07/2020		
Responsible Directorate:	Council		
Legislation:	Bush Fires Act 1954 - s.50		
Related Local Laws and/or Policies:			

Delegation

CEO309 – Recovery of Expenses Incurred through Contraventions of this Act

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.58 General penalty and recovery of expenses incurred
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to recover expenses incurred as a result of an offence against the Bush Fires Act, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Shire of Irwin or those on behalf of the Shire of Irwin to do, in accordance with the provisions of s.58 (3) (3A) (3B) (4). *Actions under this Delegation are required to comply with procedural requirements detailed in the Bush Fire Act 1954.*
Council Conditions on this Delegation:	*Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	NIL – Sub-delegation is prohibited by s.48(3)
Sub-Delegate/s: *Appointed by CEO*	Not Sub-delegated

Date of Adoption:	23/07/2019	**Adoption Ref:**	Minute 090719
Date of Review:	28/07/2020		
Responsible Directorate:	Council		
Legislation:	Bush Fires Act 1954 - s.50		
Related Local Laws and/or Policies:			

Delegation

CEO310 – Prosecution of Offences

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.59 Prosecution of offences s.59A(2) Alternative procedure – infringement notices
Delegate:	**Chief Executive Officer** **Bush Fire Control Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act in accordance with the provisions of s.59 (1) (2) (3) (4) (5). 2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Bush Fire Act 1954.*
Council Conditions on this Delegation:	*Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	NIL – Sub-delegation is prohibited by s.48(3)
Sub-Delegate/s: *Appointed by CEO*	Not Sub-delegated

Date of Adoption:	23/07/2019	**Adoption Ref:**	Minute 090719
Date of Review:	28/07/2020		
Responsible Directorate:	Council		
Legislation:	Bush Fires Act 1954 - s.50		
Related Local Laws and/or Policies:			

Delegation

CEO311 – Withdrawal of Infringement Notices

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.59A(5) Alternative procedure – infringement notices
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to withdraw an infringement notice for an offence against this Act, at any time within 60 days after the service of the notice, by the sending of a notice, in the prescribed form, signed by a prescribed officer, to the alleged offender at his last known place of residence or business, advising the alleged offender that the infringement notice has been withdrawn, and, in that event, the amount of any prescribed penalty that has been paid shall be refunded [s.59A(5)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Bush Fire Act 1954.*
Council Conditions on this Delegation:	a. The person who issued an infringement and/or notice is not permitted to determine an objection, extend time, withdraw or revoke an infringement and/or notice, as is applicable, for the same applicant and/or issue. *Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	NIL – Sub-delegation is prohibited by s.48(3)
Sub-Delegate/s: *Appointed by CEO*	Not Sub-delegated

Date of Adoption:	23/07/2019	**Adoption Ref:**	Minute 090719
Date of Review:	28/07/2020		
Responsible Directorate:	Council		
Legislation:	Bush Fires Act 1954 - s.50		
Related Local Laws and/or Policies:			

4 Cat Act 2011 Delegations

Delegation

CEO400 – Cat Registrations

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Cat Act 2011:* s.44 Delegation by local government
Express Power or Duty Delegated:	*Cat Act 2011:* s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags *Cat Regulations 2012* Schedule 3, cl.1(4) Fees Payable
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)]. 3. Authority to cancel a cat registration [s.10]. 4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)]. 5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the shire of Irwin's District [Regs. Sch. 3 cl.1(4)]. 6. Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat. [Schedule 3 s.1(4)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Cat Act 2011 and Cat Regulations 2012.*
Council Conditions on this Delegation:	a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the *Cat Act 2011*. b. This delegation does NOT provide authority to determine to reduce or waiver the fees payable in regard to any <u>class of cat</u> within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the *Local Government Act 1995*. *Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	Cat Act 2011: s.45 Delegation by CEO of local government
Sub-Delegate/s: *Appointed by CEO*	Not subdelegated

Date of Adoption:		**Adoption Ref:**	
Date of Review:			

Responsible Directorate:	Council
Legislation:	Cat Act 2011 Cat Regulations 2012 *Recordkeeping* *Cat Act 2011 s.47*
Related Local Laws and/or Policies:	

Delegation

CEO401 – Cat Control Notices

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Cat Act 2011:* s.44 Delegation by local government
Express Power or Duty Delegated:	Cat Act 2011: s.26 Cat control notice may be given to cat owner
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire of Irwin's District [s.26]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Cat Act 2011 and associated Regulations.*
Council Conditions on this Delegation:	a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the *Cat Act 2011*. *Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	Cat Act 2011: s.45 Delegation by CEO of local government
Sub-Delegate/s: *Appointed by CEO*	Executive Manager Infrastructure & Development Manager Regulatory Services

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Cat Act 2011 Cat Regulations 2012 *Recordkeeping* *Cat Act 2011 s.47*		
Related Local Laws and/or Policies:			

Delegation

CEO402 – Approval to Breed Cats

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Cat Act 2011:* s.44 Delegation by local government
Express Power or Duty Delegated:	*Cat Act 2011*: s.37 Approval to Breed Cats s.38 Cancellation of approval to breed cats s.39 Certificate to be given to approved cat breeder
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information, within a specified time of not more than 21 days, required to determine the application [s.37(4)]. 3. Authority to cancel an approval to breed cats if one or more of the things set out in s.37(2) applies in respect of the approved cat breeder [s.38]. 4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)]. 5. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the *Cat Act 2011*. *Actions under this Delegation are required to comply with procedural requirements detailed in the Cat Act 2011 and associated Regulations.*
Council Conditions on this Delegation:	a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the *Cat Act 2011*. *Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	Cat Act 2011: s.45 Delegation by CEO of local government
Sub-Delegate/s: *Appointed by CEO*	Executive Manager Infrastructure & Development Manager Regulatory Services

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Cat Act 2011 Cat Regulations 2012 *Recordkeeping* *Cat Act 2011 s.47*		
Related Local Laws and/or Policies:			

Delegation

CEO403 – Appoint Authorised Person

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Cat Act 2011:* s.44 Delegation by local government
Express Power or Duty Delegated:	*Cat Act 2011:* s. 48 Authorised persons
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to appoint authorised persons by issuing a certificate of authorisation [s.48]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Cat Act 2011 and associated Regulations.*
Council Conditions on this Delegation:	*Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	Cat Act 2011: s.45 Delegation by CEO of local government
Sub-Delegate/s: *Appointed by CEO*	Not sub delegated

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Cat Act 2011 Cat Regulations 2012 *Recordkeeping* *Cat Act 2011 s.47*		
Related Local Laws and/or Policies:			

Delegation

CEO404 – Recovery of Costs – Destruction of Cats

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Cat Act 2011:* s.44 Delegation by local government
Express Power or Duty Delegated:	*Cat Act 2011:* s.49(3) Authorised person may cause cat to be destroyed
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to recover the amount of the costs associated with the destruction and the disposal of a cat from the owner in a court of competent jurisdiction. [s.49(3)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Cat Act 2011 and associated Regulations.*
Council Conditions on this Delegation:	*Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	Cat Act 2011: s.45 Delegation by CEO of local government
Sub-Delegate/s: *Appointed by CEO*	Not sub-delegated

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Cat Act 2011 Cat Regulations 2012 *Recordkeeping* *Cat Act 2011 s.47*		
Related Local Laws and/or Policies:			

Delegation

CEO405 – Applications to Keep Additional Cats

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Cat Act 2011:* s.44 Delegation by local government
Express Power or Duty Delegated:	*Cat (Uniform Local Provisions) Regulations 2013:* r.8 Application to keep additional number of cats r.9 Grant of approval to keep additional number of cats
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to require any document or additional information to be provided within a specified time of not more than 21 days to determine an application [r.8(3)] 2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)]. 3. Authority to grant or refuse approval for additional number of cats specified in an application or less than the amount specified in the application, to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9]. 4. Notices of decisions must include advice as to review rights in accordance with r.11 of the *Cat (Uniform Local Provisions) Regulations 2013*. *Actions under this Delegation are required to comply with procedural requirements detailed in the Cat Act 2011 and associated Regulations.*
Council Conditions on this Delegation:	a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the *Cat Act 2011*. *Actions under this Delegation are required to comply with any related local law and/or policies.*

Express Power to Sub-Delegate:	Cat Act 2011: s.45 Delegation by CEO of local government
Sub-Delegate/s: *Appointed by CEO*	Executive Manager Infrastructure & Development Manager Regulatory Services

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:			
Related Local Laws and/or Policies:	Cat Act 2011 Cat (Uniform Local Provision) Regulations 2013 *Recordkeeping* *Cat Act 2011 s.47*		

5 Dog Act Delegations

Delegation

CEO500 – Refuse or Cancel Registration

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976*: s.15(2) (4A) Registration periods and fees s.16(2) (3) Registration procedure s.17A(2) If no application for registration made
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire of Irwin's District [s15(4A)]. 2. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)]. 3. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions as per the requirements the Dog Act 1976 because - [s.16(3) and s.17A(2)]. a. the applicant, owner or registered owner has been convicted or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the *Cat Act 2011* or the Animal Welfare Act 2002; or b. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease; or c. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept; or d. the dog is required to be microchipped but is not microchipped; or e. the dog is a dangerous dog [s.16(3) and s.17A(2)]. 4. Authority to apply to a Justice of the Peace for an order to seize a dog following a decision to refuse or cancel a registration where the owner/applicant was given proper notice of the reason for the decision and has not applied to the State Administrative Tribunal for the decision to be reviewed within the time fixed. [s.17(4)]. 5. Authority to cause the dog to be seized, if an order for the seizure of the dog is made under subsection (4) or (5), and detained or destroyed or otherwise disposed of as though it had been found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)] *Actions under this Delegation are required to comply with procedural requirements detailed in the Dog Act 1976 and associated Regulations.*
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate to a person which is determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. *Actions under this Delegation are required to comply with any related local laws and/or policies.*

Express Power to Sub-Delegate:	*Dog Act 1976:* s.10AA(3) The delegation may expressly authorise the delegate to further delegate the power or duty.
Sub-Delegate/s: *Appointed by CEO*	Not sub-delegated

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Dog Act 1976 *Recordkeeping* *Dog Act 1976 s.10AA*		
Related Local Laws and/or Policies:	Dog Local Law 2000		

Delegation

CEO501 – Kennel Establishments

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976:* s.27 Licensing of approved kennel establishments
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to grant a licence to keep an approved kennel establishment, upon an application received in the Shire's prescribed manner and form. If due notice of the proposed use of the land was required to be given to persons in the locality, the Shire shall have regard to any objections raised. [s.27(4)]. 2. Authority to cancel a licence for a kennel buy the service of a notice on the licensee specifying a period at the end of which the licence is cancelled, which shall be a period of not less than 3 months [s.27(6)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Dog Act 1976 and associated Regulations.*
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate to a person which is determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. *Actions under this Delegation are required to comply with any related local laws and/or policies.*

Express Power to Sub-Delegate:	*Dog Act 1976:* s.10AA(3) The delegation may expressly authorise the delegate to further delegate the power or duty.
Sub-Delegate/s: *Appointed by CEO*	Not sub-delegated

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Dog Act 1976 *Recordkeeping* *Dog Act 1976 s.10AA* Note – Decisions under this delegation may be referred for review by the State Administration Tribunal		
Related Local Laws and/or Policies	Dog Local Law 2000		

Delegation

CEO502 – Appoint Authorised Persons

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976:* s.11 Staff and Services
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to appoint authorised persons to exercise the powers conferred on an authorised person by this Act [s.3 s.11(1)(2)(3) and s.29(1)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Dog Act 1976 and associated Regulations.*
Council Conditions on this Delegation:	*Actions under this Delegation are required to comply with any related local laws and/or policies.*

Express Power to Sub-Delegate:	*Dog Act 1976:* s.10AA(3) The delegation may expressly authorise the delegate to further delegate the power or duty.
Sub-Delegate/s: *Appointed by CEO*	Not sub delegated

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Dog Act 1976 *Recordkeeping* *Dog Act 1976 s.10AA*		
Related Local Laws and/or Policies	Dog Local Law 2000		

Delegation

CEO503 – Recovery of Moneys Due Under this Act

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976:* s.29(5) Power to seize dogs
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Dog Act 1976 and associated Regulations.*
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate to a person which is determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. *Actions under this Delegation are required to comply with any related local laws and/or policies.*

Express Power to Sub-Delegate:	*Dog Act 1976:* s.10AA(3) The delegation may expressly authorise the delegate to further delegate the power or duty.
Sub-Delegate/s: *Appointed by CEO*	Not sub-delegated

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Dog Act 1976 *Recordkeeping* *Dog Act 1976 s.10AA*		
Related Local Laws and/or Policies	Dog Local Law 2000		

Delegation

CEO504 – Dispose of or Sell Dogs Liable to be Destroyed

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976:* s.29(11) Power to seize dogs
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to dispose of or sell a dog which is liable to be destroyed pursuant to subsection (10) [s.29(11)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Dog Act 1976 and associated Regulations.*
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate to a person which is determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. *Actions under this Delegation are required to comply with any related local laws and/or policies.*

Express Power to Sub-Delegate:	*Dog Act 1976:* s.10AA(3) The delegation may expressly authorise the delegate to further delegate the power or duty.
Sub-Delegate/s: *Appointed by CEO*	Not sub-delegated

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Dog Act 1976 *Recordkeeping* *Dog Act 1976 s.10AA*		
Related Local Laws and/or Policies	Dog Local Law 2000 Council Policy CP43 Disposal of Property		

Delegation

CEO505 – Declare a Dangerous Dog

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976*: s.33E(1) Individual dog may be declared to be dangerous dog (declared)
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to declare an individual dog to be a dangerous dog by notice in writing given in accordance with section 33F [s.33E(1)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Dog Act 1976 and associated Regulations.*
Council Conditions on this Delegation:	a. If the Chief Executive Officer declares a Dangerous Dog, objections are to be referred to Council. b. The Chief Executive Officer may further delegate to a person which is determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. *Actions under this Delegation are required to comply with any related local laws and/or policies.*

Express Power to Sub-Delegate:	*Dog Act 1976:* s.10AA(3) The delegation may expressly authorise the delegate to further delegate the power or duty.
Sub-Delegate/s: *Appointed by CEO*	Executive Manager Infrastructure & Development Executive Manager Corporate & Community

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Dog Act 1976 *Recordkeeping* *Dog Act 1976 s.10AA* Note – Decisions under this delegation may be referred for review by the State Administration Tribunal		
Related Local Laws and/or Policies:	Dog Local Law 2000		

Delegation

CEO506 – Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976:* s.33F(6) Owners to be notified of making of declaration s.33G(4) Seizure and destruction s.33H(1)(2)(5) Local government may revoke declaration or proposal to destroy
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)]. 2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)]. 3. Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)]. 4. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)]. 5. Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]: (a) a notice declaring a dog to be dangerous; or (b) a notice proposing to cause a dog to be destroyed. *Actions under this Delegation are required to comply with procedural requirements detailed in the Dog Act 1976 and associated Regulations.*
Council Conditions on this Delegation:	a. If the Chief Executive Officer declares a Dangerous Dog, objections are to be referred to Council. b. The Chief Executive Officer may further delegate to a person which is determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. *Actions under this Delegation are required to comply with any related local laws and/or policies.*

Express Power to Sub-Delegate:	*Dog Act 1976:* s.10AA(3) The delegation may expressly authorise the delegate to further delegate the power or duty.
Sub-Delegate/s: *Appointed by CEO*	Not sub-delegated

Date of Adoption:		**Adoption Ref:**	
Date of Review:			

Responsible Directorate:	Council
Legislation:	Dog Act 1976 *Recordkeeping* *Dog Act 1976 s.10AA* Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Related Local Laws and/or Policies:	Dog Local Law 2000

Delegation

CEO507 – Determine Recoverable Expenses for Dangerous Dog Declaration

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	Dog Act 1976: s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976*: s.33M(1)(a) Local Government expenses to be recoverable
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to any maximum amount prescribed, having regard to the expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s.33H(5)].
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate to a person which are determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. *Actions under this Delegation are required to comply with any related local laws and/or policies.*

Express Power to Sub-Delegate:	*Dog Act 1976:* s.10AA(3) The delegation may expressly authorise the delegate to further delegate the power or duty.
Sub-Delegate/s: *Appointed by CEO*	Not sub-delegated

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Dog Act 1976 *Recordkeeping* *Dog Act 1976 s.10AA* Note – Decisions under this delegation may be referred for review by the State Administration Tribunal		
Related Local Laws and/or Policies:	Dog Local Law 2000		

6 Food Act 2008 Delegations

Delegation

CEO600 – Food Business Registrations

Delegator: *Power / Duty assigned in legislation to:*	Enforcement Agency (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Food Act 2008:* s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	*Food Act 2008*: s.110(1) and (5) Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)]. 2. Authority to vary the conditions or cancel the registration of a food business [s.112]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Food Act 2008 and associated Regulations.*
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, see ww2.health.wa.gov.au for up-to-date DoH CEO approved documents. *Actions under this Delegation are required to comply with any related local laws and/or policies.*

Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.
Sub-Delegate/s: *Appointed by CEO*	Not sub-delegated

Date of Adoption:	28/05/2019	**Adoption Ref:**	Minute 050519
Date of Review:	28/07/2020		
Responsible Directorate:	Council		
Legislation:	Food Act 2008		
Related Local Laws and/or Policies:			

Delegation

CEO601 – Appoint Authorised Officers and Designated Officers

Delegator: *Power / Duty assigned in legislation to:*	Enforcement Agency (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Food Act 2008:* s.118Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	*Food Act 2008*: s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(2)]. 2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the *Public Health Act 2016,* to be a Designated Officer for the purposes of issuing Infringement Notices under the *Food Act 2008* [s.126(13)]. 3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Food Act 2008 and associated Regulations.*
Council Conditions on this Delegation:	a. In accordance with s.122(2) the Department of Health (DoH) CEO may issue guidelines that describe the qualifications and experience that are appropriate for a person to be appointed as an authorised officer. See ww2.health.wa.gov.au for up-to-date DoH CEO approved guidelines. *Actions under this Delegation are required to comply with any related local laws and/or policies.*

Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.
Sub-Delegate/s: *Appointed by CEO*	Not sub-delegated

Date of Adoption:	28/05/2019	**Adoption Ref:**	Minute 050519
Date of Review:	28/07/2020		
Responsible Directorate:	Council		
Legislation:	Food Act 2008		
Related Local Laws and/or Policies:			

Delegation

CEO602 – Determine Compensation

Delegator: *Power / Duty assigned in legislation to:*	Enforcement Agency (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Food Act 2008:* s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	*Food Act 2008:* s.56(2) Compensation to be paid in certain circumstances s.70(2) and (3) Compensation
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s.56(2)(3)]. 2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2)(3)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Food Act 2008 and associated Regulations.*
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health (DoH) CEO Guidelines, as amended from time to time. b. Compensation under this delegation may only be determined upon documented losses up to a maximum of $1,000. Compensation requests above this value are to be reported to Council. c. The person who seized an item is not permitted to determine an objection, extend time, withdraw or revoke and/or compensation, as is applicable. *Actions under this Delegation are required to comply with any related local laws and/or policies.*

Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.
Sub-Delegate/s: *Appointed by CEO*	Not sub-delegated

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Food Act 2008 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal		
Related Local Laws and/or Policies:			

Delegation

CEO603 – Prohibition Orders

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Food Act 2008:* s.118Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	*Food Act 2008*: s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)]. 2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66]. 3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Food Act 2008 and associated Regulations.*
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health (DoH) CEO Guidelines, as amended from time to time. *Actions under this Delegation are required to comply with any related local laws and/or policies.*

Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.
Sub-Delegate/s: *Appointed by CEO*	Not sub-delegated

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Food Act 2008 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal		
Related Local Laws and/or Policies:			

Delegation

CEO604 – Debt Recovery and Prosecutions

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Food Act 2008:* s.118Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	*Food Act 2008*: s.54 Cost of destruction or disposal of forfeited item s.125 Institution of proceedings
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs s.54(1) and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)]. 2. Authority to institute proceedings for an offence under the Food Act 2008 within 12 months after the date of which the offense is alleged to have been committed, or within 6 months if proceedings are in respect of a food sample [s.125]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Food Act 2008 and associated Regulations.*
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health (DoH) CEO Guidelines, as amended from time to time. *Actions under this Delegation are required to comply with any related local laws and/or policies.*

Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.
Sub-Delegate/s: *Appointed by CEO*	Not sub-delegated

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Food Act 2008		
Related Local Laws and/or Policies:			

Delegation

CEO605 – Food Business List – Preparation, Maintenance and Public Access

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Food Act 2008:* s.118Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	*Food Act 2008*: r.51 Enforcement agency may make list of food businesses publicly available
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to prepare and maintain a list of — (a) food businesses notified to the agency in respect of any premises under section 107; and (b) food businesses registered by the agency in respect of any premises under section 110 [s.115]. 2. Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Food Act 2008 and associated Regulations.*
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health (DoH) CEO Guidelines, as amended from time to time. *Actions under this Delegation are required to comply with any related local laws and/or policies.*

Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.
Sub-Delegate/s: *Appointed by CEO*	Not sub-delegated

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Food Act 2008		
Related Local Laws and/or Policies:			

7 Graffiti Vandalism Act 2016 Delegations

Delegation

CEO700 – Give Notice Requiring Obliteration of Graffiti

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Graffiti Vandalism Act 2016:* s.16 Delegation by local government
Express Power or Duty Delegated:	*Graffiti Vandalism Act 2016* s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, if applicable with s.18(1), requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)]. 2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner s.19(3) and to take action to recover reasonable costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Graffiti Vandalism Act 2016 and associated Regulations.*
Council Conditions on this Delegation:	*Actions under this Delegation are required to comply with any related local laws and/or policies.*

Express Power to Sub-Delegate:	Graffiti Vandalism Act 2016: s.17 Delegation by CEO of local government
Sub-Delegate/s: *Appointed by CEO*	Not sub-delegated

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	*Graffiti Vandalism Act 2016* Note – Decisions under this delegation may be referred for review by the State Administration Tribunal (SAT)		
Related Local Laws, Policies and/or Procedure:			

Delegation

CEO701 – Notices – Deal with Objections and Suspension of Effect of Notices

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Graffiti Vandalism Act 2016:* s.16 Delegation by local government
Express Power or Duty Delegated:	*Graffiti Vandalism Act 2016* s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to deal with an objection to a notice [s.22(3)]. 2. Authority, where an objection has been lodged against a notice or a decision or for a review of a decision, to: i. determine that there are urgent reasons why the effect of the notice or decision should not be suspended; or ii. suspension of the effect of the notice or decision is reasonably likely to endanger the safety of any person, cause damage to property or to create a serious public nuisance [s.24(1)(b)]; and ii. to give notice to the affected person in writing of its decision explaining its reasons under subsection s.24(1)(b) [s.24(3)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Graffiti Vandalism Act 2016 and associated Regulations.*
Council Conditions on this Delegation:	a. The person who issued an infringement and/or notice is not permitted to determine an objection, extend time, withdraw or revoke an infringement and/or notice, as is applicable, for the same applicant and/or issue. *Actions under this Delegation are required to comply with any related local laws and/or policies.*

Express Power to Sub-Delegate:	Graffiti Vandalism Act 2016: s.17 Delegation by CEO of local government
Sub-Delegate/s: *Appointed by CEO*	Not subdelegated

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	*Graffiti Vandalism Act 2016* Note – Decisions under this delegation may be referred for review by the State Administration Tribunal		
Related Local Laws and/or Policies:			

Delegation

CEO702 – Obliterate Graffiti on Land not Local Government Property

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Graffiti Vandalism Act 2016:* s.16 Delegation by local government
Express Power or Duty Delegated:	*Graffiti Vandalism Act 2016* s.25(1) Local government graffiti powers on land not local government property
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine to obliterate graffiti that is visible from a public place and has been applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent to do it [s.25(1)]. a. Subject to exercising Powers of Entry. *Actions under this Delegation are required to comply with procedural requirements detailed in the Graffiti Vandalism Act 2016 and associated Regulations.*
Council Conditions on this Delegation:	*Actions under this Delegation are required to comply with any related local laws and/or policies.*

Express Power to Sub-Delegate:	Graffiti Vandalism Act 2016: s.17 Delegation by CEO of local government
Sub-Delegate/s: *Appointed by CEO*	Not sub-delegated

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	*Graffiti Vandalism Act 2016*		
Related Local Laws and/or Policies:			

Delegation

CEO703 – Powers of Entry

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Graffiti Vandalism Act 2016:* s.16 Delegation by local government
Express Power or Duty Delegated:	*Graffiti Vandalism Act 2016* s.28 Notice of entry s.29 Entry under warrant
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to give notice, not less than 24 hours before, of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28]. 2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Graffiti Vandalism Act 2016 and associated Regulations.*
Council Conditions on this Delegation:	*Actions under this Delegation are required to comply with any related local laws and/or policies.*

Express Power to Sub-Delegate:	Graffiti Vandalism Act 2016: s.17 Delegation by CEO of local government
Sub-Delegate/s: *Appointed by CEO*	Not sub-delegated

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	*Graffiti Vandalism Act 2016*		
Related Local Laws and/or Policies:			

8 Public Health Act 2016 Delegations

Delegation

CEO800 – Appoint Authorised Officer or Approved Officer (Asbestos Regs)

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Health (Asbestos) Regulations 1992:* r.15D(7) Infringement Notices
Express Power or Duty Delegated:	*Health (Asbestos) Regulations 1992:* r.15D(5) Infringement Notices
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the *Criminal Procedure Act 2004* Part 2. [r.15D(5)] *Actions under this Delegation are required to comply with procedural requirements detailed in the Public Health Act 2016 and associated Regulations.*
Council Conditions on this Delegation:	*Actions under this Delegation are required to comply with any related local laws and/or policies.*

Express Power to Sub-Delegate:	Nil – the *Health (Asbestos) Regulations 1992* do not provide a power to sub-delegate.
Sub-Delegate/s: *Appointed by CEO*	Not sub-delegated

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	Health (Asbestos) Regulations 1992 Criminal Procedure Act 2004 – Part 2		
Related Local Laws and/or Policies:			

Delegation

CEO801 – Enforcement Agency Reports to the Chief Health Officer

Delegator: *Power / Duty assigned in legislation to:*	Enforcement Agency (means Local Government s.4 definition)
Express Power to Delegate: *Power that enables a delegation to be made*	*Public Health Act 2016:* s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	*Public Health Act 2016* s.22 Reports by and about enforcement agencies
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Shire of Irwin [s.22(1)]. 2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Public Health Act 2016 and associated Regulations.*
Council Conditions on this Delegation:	*Actions under this Delegation are required to comply with any related local laws and/or policies.*

Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the *Public Health Act 2016*, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Sub-Delegate/s: *Appointed by CEO*	Not sub-delegated

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	*Public Health Act 2016*		
Related Local Laws and/or Policies:			

Delegation

CEO802 – Designate Authorised Officers

Delegator: *Power / Duty assigned in legislation to:*	Enforcement Agency (means Local Government s.4 definition)
Express Power to Delegate: *Power that enables a delegation to be made*	*Public Health Act 2016:* s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	*Public Health Act 2016* s.24(1) and (3) Designation of authorised officers
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to designate a person or class of persons as authorised officers for the purposes of: a. The Public Health Act 2016 or other specified Act b. Specified provisions of the Public Health Act 2016 or other specified Act c. Provisions of the Public Health Act 2016 or another specified Act, other than the specified provisions of that Act. Including: a. an environmental health officer or environmental health officers as a class; OR b. a person who is not an environmental health officer or a class of persons who are not environmental health officers; OR c. a mixture of the two [s.24(1) and (3)]. Subject to each person so appointed being appropriately qualified and experienced s.25(1)(a) and has regard to any guidelines issued under s.29. *Actions under this Delegation are required to comply with procedural requirements detailed in the Public Health Act 2016 and associated Regulations.*
Council Conditions on this Delegation:	*Actions under this Delegation are required to comply with any related local laws and/or policies.*

Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the *Public Health Act 2016*, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Sub-Delegate/s: *Appointed by CEO*	Not sub-delegated

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Chief Executive Officer		
Legislation:	*Public Health Act 2016*		
Related Local Laws and/or Policies:			

Delegation

CEO803 – Determine Compensation for Seized Items

Delegator: *Power / Duty assigned in legislation to:*	Enforcement Agency (means Local Government ~~vide~~ s.4 definition)
Express Power to Delegate: *Power that enables a delegation to be made*	*Public Health Act 2016:* s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	*Public Health Act 2016* s.264 Compensation
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act in relation to the item and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Public Health Act 2016 and associated Regulations.*
Council Conditions on this Delegation:	a. Compensation is limited to a maximum value of $100, with any proposal for compensation above this value to be referred for Council's determination. *Actions under this Delegation are required to comply with any related local laws and/or policies.*

Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the *Public Health Act 2016*, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Sub-Delegate/s: *Appointed by CEO*	Not sub-delegated

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	*Public Health Act 2016* Note – Decisions under this delegation may be referred for review by the State Administration Tribunal		
Related Local Laws and/or Policies:			

Delegation

CEO804 – Commence Proceedings

Delegator: *Power / Duty assigned in legislation to:*	Enforcement Agency (means Local Government ~~vide~~ s.4 definition)
Express Power to Delegate: *Power that enables a delegation to be made*	*Public Health Act 2016:* s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	*Public Health Act 2016* s.280 Commencing Proceedings
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to commence proceedings for an offence under the *Public Health Act 2016* [s.280]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Public Health Act 2016 and associated Regulations.*
Council Conditions on this Delegation:	*Actions under this Delegation are required to comply with any related local laws and/or policies.*

Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the *Public Health Act 2016*, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Sub-Delegate/s: *Appointed by CEO*	Not sub-delegated

Date of Adoption:		**Adoption Ref:**	
Date of Review:			
Responsible Directorate:	Council		
Legislation:	*Public Health Act 2016*		
Related Local Laws and/or Policies:			