

DELEGATION REGISTER

Endorsed 31st March 2022

Motion: 136-21/22

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Purpose of Delegating Authority

Delegations and authorisations are the means by which decision making bodies can access the power to undertake certain statutory functions. A delegation is a conferral of the ability to exercise a power or duty to a person or body from a person or a body that is vested with the responsibility to exercise that power or duty.

Delegations to the Chief Executive Officer

The *Local Government Act 1995* (the Act) allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act, with the exception of limitations as listed under section 5.43 of the Act.

The following areas are decisions that cannot be delegated to the Chief Executive Officer:

- Any power or duty that requires a decision of an absolute majority or 75% majority of the local government;
- Accepting a tender which exceeds an amount determined by the local government;
- Appointing an auditor;
- Acquiring or disposing of any property valued at an amount determined by the local government;
- Any of the local governments powers under Sections 5.98, 5.99 and 5.100 of the Act;
- Borrowing money on behalf of the local government;
- Hearing or determining an objection of a kind referred to in Section 9.5;
- Any power of duty that requires the approval of the Minister or Governor; or
- Such other duties or powers that may be prescribed by the Act.

Delegations by the Chief Executive Officer to Employees

Section 5.44 of the Act allows for the Chief Executive officer to delegate any of her powers to another employee and this must be done in writing. The Act allows for the Chief Executive Officer to place conditions on any delegations. An employee to whom a duty or power is delegated under the Act is considered a 'designated employee' under section 5.74(1) of the Act and is required to complete a primary and annual return each year.

Standard Conditions of Delegations

All delegations are subject to the following Standard Conditions:

- In exercising a delegation, the Chief Executive Officer is to comply with any and all laws and regulations in force in Western Australia and the requirements of any and all laws and policies of the Shire of Quairading;
- In exercising a delegation the Chief Executive Officer is to exercise the delegation in accordance with any budget authority where applicable;
- Delegated authority cannot be exercised where a financial interest or interest affecting impartiality is evident;
- Pursuant to section 5.46 of the Local Government Act 1995 and Regulation 19 of the Local Government (Administration) Regulations 1996, the Office of the Chief Executive Officer is to keep records of exercising the delegation on any and all occasions that the delegation is exercised.

The written record is to contain:

- How the person exercised the delegation;
- When the person exercised the delegation; and
- The persons or classes of persons, other than Council or Committee Members or employees of the local.

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1 Local Government Act 1995 Delegations

1.1 Council to CEO

1.1.1 Appoint Authorised Persons

Delegator Power/Duty assigned in legislation	Local Government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.42 Delegation of some powers or duties to the CEO - s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - 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 Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Authority to appoint persons or classes of persons as authorised persons for the purpose of fulfilling prescribed functions within the <i>Local Government Act 1995</i> and its subsidiary legislation, including <i>Local Government Act Regulations</i>, the <i>Local Government (Miscellaneous Provisions) Act 1960</i> and Local Laws made under the <i>Local Government Act</i>. [s.3.24 and s.9.10]. 2. Authority to appoint authorised persons for the purposes of section 9.16 of the <i>Local Government Act 1995</i>, as a precondition for appointment as authorised officers in accordance with <i>Regulation 70(2) of the Building Regulations 2012</i> and section 6(b) of the <i>Criminal Procedure Act 2004</i>. 3. Authority to appoint authorised person for the purposes of section 15 the <i>Graffiti Vandalism Act 2016</i>, which prescribes Part 9 of the <i>Local Government Act 1995</i> as the enabling power.
Council Conditions on this Delegation	<ol style="list-style-type: none"> 1. A register of Authorised Persons is to be maintained as a Local Government record. 2. Only persons who are appropriately qualified and trained may be appointed as Authorised persons. 3. Copies of Instruments or Certificates of Authorisation are to be retained on the Authorised Person's personnel file.
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Nil
CEO Conditions on Subdelegation	<ol style="list-style-type: none"> 1. Conditions on the original delegation also apply to the Subdelegations.
Compliance Links	<ul style="list-style-type: none"> • Certificates of Authorisation • Register of Authorised Persons
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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1.1.2 Performing Functions Outside the District

Delegator Power/Duty assigned in legislation	Local Government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.42 Delegation of some powers or duties to the CEO - s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.3.20(1) Performing functions outside district
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Before it can do anything on land outside its own district that is not local government property it is required to have obtained the consent of: <ol style="list-style-type: none"> a. the owner of the land; and b. if the land is occupied, the occupier of the land; and c. if the land is under the control or management of any other person, that other person.
Council Conditions on this Delegation	<ol style="list-style-type: none"> 1. A decision to undertake a function outside the District, can only be made under this delegation where there is a relevant allocation within the Annual Budget and the performance of the function does not negatively impact service levels within the District. Where these conditions are not met, the matter must be referred for Council decision (except in the case of an emergency).
Express Power to Subdelegate:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate/s: Appointed by CEO	<ul style="list-style-type: none"> • Executive Manager, Community, Strategy & Projects • Executive Manager, Works & Services • Manager, Health & Building
CEO Conditions on this Subdelegation	<ol style="list-style-type: none"> 1. Conditions on the original delegation also apply to the Subdelegations.
Compliance Links	Nil
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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1.1.3 Declare a Vehicle to be an Abandoned Vehicle Wreck

Delegator Power/Duty assigned in legislation	Local Government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.42 Delegation of some powers or duties to the CEO - s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.3.40A(2) and (4) Abandoned vehicle wreck may be taken
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Give notice to the owner of an impounded vehicle advising where and when it may be collected from. 2. Declare that an impounded vehicle is an abandoned vehicle wreck.
Council Conditions on this Delegation	<ol style="list-style-type: none"> 1. Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.1.4 - Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision.
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Executive Manager Works & Services • Manager, Health & Building
CEO Conditions on this Subdelegation	<ol style="list-style-type: none"> 1. Conditions on the original delegation also apply to the Subdelegations.
Compliance Links	Nil
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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1.1.4 Confiscated or Uncollected Goods

Delegator Power/Duty assigned in legislation	Local Government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.42 Delegation of some powers or duties to the CEO - s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.3.46 Goods may be withheld until costs paid - s.3.47 Confiscated or uncollected goods, disposal of - s.3.48 Impounding expenses, recovery of
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Authority to refuse to allow goods impounded under s.3.39 (any goods involved in a contravention that can be removed and impounded) or 3.40A (declaring a vehicle to be an abandoned vehicle with a value as prescribed by Regulation 29A of <i>Local Government (Functions and General) Regulations 1996</i>) to be collected until the costs of removing, impounding and keeping them have been paid to the local government. 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. 3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods.
Council Conditions on this Delegation	<ol style="list-style-type: none"> 1. Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable.
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Executive Manager, Works & Services • Manager, Health & Safety
CEO Conditions on this Subdelegation	<ol style="list-style-type: none"> 1. Conditions on the original delegation also apply to the Subdelegations.
Compliance Links	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - Part 3, Division 3, Subdivision 3 • <i>Shire of Quairading Procurement Policy</i> • Register of Authorised Officers <p>Note: s.3.58 Disposing of Property applies to the sale of goods under s.3.47 as if they were property referred to in that section</p>
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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1.1.5 Close Thoroughfares to Vehicles

Delegator Power/Duty assigned in legislation	Local Government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.42 Delegation of some powers or duties to the CEO - s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.3.50 Closing certain thoroughfares to vehicles - s.3.50A Partial closure of thoroughfare for repairs or maintenance - s.3.51 Affected owners to be notified of certain proposals
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)]. 2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: <ol style="list-style-type: none"> a. give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and b. consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)]. 3. Authority to revoke an order to close a thoroughfare [s.3.50(6)]. 4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A] 5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s.3.51].
Council Conditions on this Delegation	<ol style="list-style-type: none"> 1. 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)]. 2. Access to land is to be maintained where the land adjoins public thoroughfares that are to be fixed, have levels altered or be realigned [s.3.52(3)].
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s5.44 CEO may delegate some powers and duties to other employees
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Executive Manager, Works & Services
CEO Conditions on this Subdelegation	<ol style="list-style-type: none"> 1. Conditions on the original delegation also apply to the Subdelegations.
Compliance Links	Nil
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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1.1.6 Obstruction of Footpaths & Thoroughfares

Delegator Power/Duty assigned in legislation	Local Government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.42 Delegation of some powers or duties to the CEO - s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Local Government (Uniform Local Provisions) Regulations 1996 (ULP)</i> <ul style="list-style-type: none"> - 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) - Encroaching on public thoroughfare – Sch.9.1. cl.3(2)
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: <ol style="list-style-type: none"> a. prevent damage to the footpath; or b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)]. 2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)]. 3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)]. 4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A]. 5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].
Council Conditions on this Delegation	<ol style="list-style-type: none"> 1. Actions under this delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. 2. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> a. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. b. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good. c. Public assets damaged by the obstruction at the completion of works. d. Provided evidence of sufficient Public Liability Insurance. e. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s5.44 CEO may delegate some powers and duties to other employees

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Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> Executive Manager, Works & Services
CEO Conditions on this Subdelegation	1. Conditions on the original delegation also apply to the Subdelegations.
Compliance Links	<ul style="list-style-type: none"> Determination of Bond Value and Conditions <ul style="list-style-type: none"> CEO Delegation 1.2.2 – Public Thoroughfare Obstruction – Determine Conditions <i>Local Government (Uniform Local Provisions) Regulations 1996</i> <ul style="list-style-type: none"> penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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1.1.7 Public Thoroughfare: Dangerous Excavations

Delegator Power/Duty assigned in legislation	Local Government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.42 Delegation of some powers or duties to the CEO - s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Local Government (Uniform Local Provisions) Regulations 1996</i> <ul style="list-style-type: none"> - r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)]. 2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)]. 3. Authority to impose conditions on granting permission [ULP r.11(6)]. 4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].
Council Conditions on this Delegation	<ol style="list-style-type: none"> 1. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. 2. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> a. 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. b. 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. c. Provided evidence of sufficient Public Liability Insurance. d. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s5.44 CEO may delegate some powers and duties to other employees
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Executive Manager, Works & Services.
CEO Conditions on this Subdelegation	<ol style="list-style-type: none"> 1. Conditions on the original delegation also apply to the Subdelegations.
Compliance Links	<ul style="list-style-type: none"> • Determination of Bond Value and Conditions: CEO Delegation 1.2.3 Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares • <i>Local Government (Uniform Local Provisions) Regulations 1996</i> <ul style="list-style-type: none"> - prescribe applicable statutory procedures - penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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1.1.8 Crossing: Construction, Repair & Removal

Delegator Power/Duty assigned in legislation	Local Government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.42 Delegation of some powers or duties to the CEO - s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Local Government (Uniform Local Provisions) Regulations 1996</i> <ul style="list-style-type: none"> - 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 Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 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 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 initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].
Council Conditions on this Delegation	<ol style="list-style-type: none"> 1. Actions under this delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Executive Manager, Works & Services.
CEO Conditions on this Subdelegation	<ol style="list-style-type: none"> 1. Conditions on the original delegation also apply to the Subdelegations.
Compliance Links	<ul style="list-style-type: none"> • <i>Local Government (Uniform Local Provisions) Regulations 1996</i> <ul style="list-style-type: none"> - Prescribe applicable statutory procedures - Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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1.1.9 Private Works On, Over or Under Public Places

Delegator Power/Duty assigned in legislation	Local Government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.42 Delegation of some powers or duties to the CEO - s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - r.17 Private works on, over, or under public places – Sch.9.1 cl.
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 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 those prescribed in r.17(5) and (6) [ULP r.17(5)].
Council Conditions on this Delegation	<ol style="list-style-type: none"> 1. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. 2. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> a. 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. b. 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. c. Provided evidence of sufficient Public Liability Insurance. d. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Executive Manager, Works & Services.
CEO Conditions on this Subdelegation	<ol style="list-style-type: none"> 1. Conditions on the original delegation also apply to the Subdelegations.
Compliance Links	<ul style="list-style-type: none"> • <i>Local Government (Uniform Local Provisions) Regulations 1996</i> <ul style="list-style-type: none"> - prescribe applicable statutory procedures - penalties under the <i>Uniform Local Provisions Regulations</i> are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>. • Determination of Bond Value and Conditions <ul style="list-style-type: none"> - CEO Delegation 1.2.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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1.1.10 Expressions of Interest for Goods & Services

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Delegator Power/Duty assigned in legislation	Local Government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.42 Delegation of some powers or duties to the CEO - s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.3.57 Tenders for providing goods or services • <i>Local Government (Functions and General) Regulations 1996:</i> <ul style="list-style-type: none"> - 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 Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services. 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.
Council Conditions on this Delegation	<ol style="list-style-type: none"> 1. Expressions of interest can only be invited for those goods and services identified in the Annual Budget, or separately approved by Council.
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Executive Manager, Corporate Services (Functions 1 and 2) • Executive Manager, Works & Services (Function 2) • Executive Manager, Community, Strategy & Projects (Function2)
CEO Conditions on this Subdelegation	<ol style="list-style-type: none"> 1. Conditions on the original delegation also apply to the Subdelegations.
Compliance Links	<ul style="list-style-type: none"> • <i>Local Government (Functions and General) Regulations 1996</i> <ul style="list-style-type: none"> - prescribe applicable statutory procedures • Shire of Quairading Purchasing Policy
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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1.1.11 Tenders for Goods & Services

Delegator Power/Duty assigned in legislation	Local Government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.42 Delegation of some powers or duties to the CEO - s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> - s.3.57 Tenders for providing goods or services • <i>Local Government (Functions and General) Regulations 1996:</i> <ul style="list-style-type: none"> - r.11 When tenders have to be publicly invited - 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 Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Authority to call tenders in accordance with the requirements of Part 4 Division 2 of the Local Government Act 1995. 2. Authority to approve a variation including extension to a contract, subject to: <ol style="list-style-type: none"> a. satisfactory performance of the contractor; and b. the contract specifying the provisions of an option to extend the term in accordance with Functions and General Regulation 11(2)(ii); and c. the variation is necessary in order for the goods or services to be supplied; and d. where the contract scope is not changed. 3. Authority to approve a variation to a contract subject to a maximum variation of 20% of the contract price or \$50,000 whichever is the lesser amount.
Council Conditions on this Delegation	<ol style="list-style-type: none"> 1. Exercise of this delegation to be reported to Council at least six monthly. 2. Tenders can only be invited for those goods and services identified in the Annual Budget, or separately approved by Council.
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Executive Manager, Works & Services (Function 1 only) • Executive Manager, Community, Strategy & Projects (Function 1 only)
CEO Conditions on this Subdelegation	<ol style="list-style-type: none"> 1. Conditions on the original delegation also apply to the Subdelegations.
Compliance Links	<ul style="list-style-type: none"> • Shire of Quairading Purchasing Policy
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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1.1.12 Disposing of Property

Delegator Power/Duty assigned in legislation	Local Government
Express Power to Delegate: Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.42 Delegation of some powers or duties to the CEO - s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.3.58(2) & (3) Disposing of Property
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Authority to dispose of property to: <ol style="list-style-type: none"> 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 tenders [s.3.58(2)(b)]. 2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].
Council Conditions on this Delegation	<ol style="list-style-type: none"> 1. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required. 2. In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of \$250,000 or less. 3. When determining the method of disposal: <ol style="list-style-type: none"> a. Where a public auction is determined as the method of disposal: <ol style="list-style-type: none"> i. Reserve price has been set by independent valuation. ii. Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price. b. Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method. c. Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: <ol style="list-style-type: none"> i. Negotiate the sale of the property up to a -10% variance on the valuation; and ii. Consider any public submissions received and determine if to proceed with the disposal, ensuring reasons for the decision are recorded. 4. Where the market value of the property is determined as being less than \$20,000 [F&G r.30(3) excluded disposal] may be undertaken: <ol style="list-style-type: none"> a. Without reference to a delegate for resolution; and b. In any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value then, as a minimum, the disposal must ensure environmentally responsible disposal.
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Executive Manager, Works & Services

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CEO Conditions on this Subdelegation	1. Conditions on the original delegation also apply to the Subdelegations.
Compliance Links	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.3.58 Disposal of Property • <i>Local Government (Functions and General) Regulations 1995</i> <ul style="list-style-type: none"> - r.30 Dispositions of property excluded from Act s. 3.58
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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1.1.13 Payments from the Municipal or Trust Funds

Delegator Power/Duty assigned in legislation	Local Government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.42 Delegation of some powers or duties to the CEO - s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.6.9(3)(a) pay money and interest (if any) held in trust fund to a person entitled to it. • <i>Local Government (Financial Management) Regulations 1996</i> <ul style="list-style-type: none"> - r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Authority to make payments from the municipal or trust funds [r.12(1)(a)]. 2. Authority where money is held in the trust fund, to pay it, and any interest earned, to a person entitled to it [s.6.9(3)].
Council Conditions on this Delegation	<ol style="list-style-type: none"> 1. Authority to make payments is subject to annual budget limitations. 2. All payments are subject to compliance with Shire of Quairading Operation of Bank Accounts Policy.
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Executive Manager, Corporate Services • Executive Manager, Works & Services • Executive Manager, Community, Strategy & Projects • Executive Assistance, Corporate Services
CEO Conditions on this Subdelegation	<ol style="list-style-type: none"> 1. Conditions on the original delegation also apply to the Subdelegations. 2. Delegates must comply with the procedures approved by the CEO in accordance with Financial Management Regulation 5. 3. Payments by cheque and EFT transactions must be approved jointly by two delegates, one of whom must be the Executive Manager, Corporate Services. 4. Delegates that approve the payment must not verify the liability. The verification of incurring the liability via the purchase order, invoice and evidence of goods/service received, must be undertaken independent of the payment approval. 5. The CEO has discretion to determine any conditions applicable to use of Subdelegated powers or duties.4.
Compliance Links	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Local Government (Financial Management) Regulations 1996</i> • Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards • Department of Local Government, Sport and Cultural Industries: Accounting Manual • Shire of Quairading Corporate Purchasing Card Policy and Operation of Bank Accounts Policy
Record Keeping	All exercises of delegated authority must be record managed on Synergy.

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1.1.14 Defer, Grant Discounts, Waive or Write Off Debts

Delegator Power/Duty assigned in legislation	Local Government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.42 Delegation of some powers or duties to the CEO - s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.6.12 Power to defer, grant discounts, waive or write off debts
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Waive a debt which is owed to the Shire to a maximum value of \$1000. 2. Grant a concession in relation to money which is owed to the Shire to a maximum value of \$1000. 3. Write off an amount of money to the maximum value of \$500 owed to the Shire, including fines/penalties imposed by court that are unrecoverable.
Council Conditions on this Delegation	<ol style="list-style-type: none"> 1. Delegated Functions (1), (2) and (3) excludes amounts owing in respect of rates and service charges or fees for a planning service. 2. The CEO shall report to Council at least six monthly on the exercise of these delegations.
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Executive Manager, Corporate Services
CEO Conditions on this Subdelegation	<ol style="list-style-type: none"> 1. Conditions on the original delegation also apply to the Subdelegations. 2. The CEO has discretion to determine any conditions applicable to the use of Subdelegated powers or duties.
Compliance Links	<ul style="list-style-type: none"> • Collection of Rates Debts <ul style="list-style-type: none"> - Delegation 1.1.17 Agreement as to Payment of Rates and Service Charges - Delegation 1.1.19 Recovery of Rates or Service Charges - Delegation 1.1.20 Recovery of Rates Debts – Actions to take possession of the land • Shire of Quairading Debt Recovery Policy
Record Keeping	All exercises of delegated authority must be record managed on Synergy

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1.1.15 Power to Invest & Manage Investments

Delegator Power/Duty assigned in legislation	Local Government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.42 Delegation of some powers or duties to the CEO - s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.6.14 Power to invest • <i>Local Government (Financial Management) Regulations 1996</i> <ul style="list-style-type: none"> - r.19 Investments, control procedures for
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose. 2. Authority to establish and document internal control procedures to be followed in the investment and management of investments.
Council Conditions on this Delegation	<ol style="list-style-type: none"> a. All investment activity must comply with the Financial Management Regulation 19C and Council Investment of Funds Policy. b. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided to Council at least once every three months. 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].
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Executive Manager, Corporate Services
CEO Conditions on this Subdelegation	<ol style="list-style-type: none"> 1. Conditions on the original delegation also apply to the Subdelegations. 2. A decision to invest must be jointly confirmed by two delegates. 3. Investment recommendations must be referred to the CEO for approval. 4. The CEO has discretion to determine any conditions applicable to use of Subdelegated powers or duties.
Compliance Links	<ul style="list-style-type: none"> • <i>Local Government (Financial Management) Regulations 1996</i> <ul style="list-style-type: none"> - r.19C Investment of money, restrictions on (Act s.6.14(2)(a)) • Shire of Quairading Investment of Funds policy
Record Keeping	All exercises of delegated authority must be record managed on Synergy.

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1.1.16 Rate Record Amendment

Delegator Power/Duty assigned in legislation	Local Government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.42 Delegation of some powers or duties to the CEO - s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.6.39(2)(b) Rate record
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	1. Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year.
Council Conditions on this Delegation	1. Delegates must comply with the requirements of s.6.40 of the Act.
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Executive Manager, Corporate Services
CEO Conditions on this Subdelegation	1. Conditions on the original delegation also apply to the Subdelegations.
Compliance Links	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.6.40 prescribes consequential actions that may be required following a decision to amend the rate record. - Decisions under this delegation may be referred for review by the State Administration Tribunal

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1.1.17 Agreement as to Payment of Rates & Service Charges

Delegator Power/Duty assigned in legislation	Local Government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.42 Delegation of some powers or duties to the CEO - s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.6.49 Agreement as to payment of rates and service charges
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	1. Authority to make an agreement with a person for the payment of rates or service charges.
Council Conditions on this Delegation	<ol style="list-style-type: none"> 1. Subject to the arrangements agreed to being on the basis that the total debt outstanding will be extinguished within 2-5 years (depending on hardship circumstances) following the current financial year that the payment plan arrangement is entered into. 2. All such arrangements shall be presented to Council every six months.
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Executive Manager, Corporate Services
CEO Conditions on this Subdelegation	1. Conditions on the original delegation also apply to the Subdelegations.
Compliance Links	<ul style="list-style-type: none"> • Shire of Quairading Debt Recovery Policy
Record Keeping	All exercises of delegated authority must be record managed in Synergy

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1.1.18 Determine Due Date for Rates or Service Charges

Delegator Power/Duty assigned in legislation	Local Government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.42 Delegation of some powers or duties to the CEO - s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> - s.6.50 Rates or service charges due and payable
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	1. Authority to determine the date on which rates or service charges become due and payable to the Shire.
Council Conditions on this Delegation	Nil
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Executive Manager, Corporate Services
CEO Conditions on this Subdelegation	1. Conditions on the original delegation also apply to the Subdelegations.
Compliance Links	Nil
Record Keeping	All exercises of delegated authority must be record managed in Synergy.

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1.1.19 Recovery of Rates or Service Charges

Delegator Power/Duty assigned in legislation	Local Government
Express Power to Delegate: Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.42 Delegation of some powers or duties to the CEO - s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.6.56 Rates or service charges recoverable in court - s.6.64(3) Actions to be taken
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction. 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.
Council Conditions on this Delegation	<ol style="list-style-type: none"> 1. Decisions under this delegation must comply with Shire of Quairading Debt Recovery Policy.
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Executive Manager, Corporate Services
CEO Conditions on this Subdelegation	<ol style="list-style-type: none"> 1. Conditions on the original delegation also apply to the Subdelegations.
Compliance Links	<ul style="list-style-type: none"> • Shire of Quairading Debt Recovery Policy
Record Keeping	All exercises of delegated authority must be record managed in Synergy.

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1.1.20 Recovery of Rates Debts: Actions to Take Possession of the Land

Delegator Power/Duty assigned in legislation	Local Government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.42 Delegation of some powers or duties to the CEO - s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.6.64(1) Actions to be taken - s.6.69(2) Right to pay rates, service charges and costs, and stay proceedings - s.6.71 Power to transfer land to Crown or local government - s.6.74 Power to have land re-vested in Crown if rates in arrears 3 years
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Authority to take possession of land and hold the land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years [s.6.64(1)], including: <ol style="list-style-type: none"> a. lease the land, or b. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: c. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; d. cause the land to be transferred to the Shire [s.6.71]. 2. Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, service charges and costs within 7 days of and prior to the proposed sale [s.6.69(2)].
Council Conditions on this Delegation	<ol style="list-style-type: none"> a. Decisions under this delegation must comply with Shire of Quairading Debt Recovery Policy. b. In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale <u>without having</u>, within the previous 3-years attempted to recover the outstanding rates/charges through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes. c. Exercise of this delegation must comply with the procedures set out in Schedule 6.3 of the <i>Local Government Act 1995</i>.
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Executive Manager, Corporate Services
CEO Conditions on this Subdelegation	<ol style="list-style-type: none"> 1. Conditions on the original delegation also apply to the Subdelegations.
Compliance Links	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - Part 6, Division 6 Subdivision 6 and Schedule.6.3 prescribe procedures relevant to exercise of authority under this delegation • <i>Local Government (Financial Management) Regulations 1996</i> <ul style="list-style-type: none"> - r72 – 78 prescribe forms and procedures to exercise authority • Shire of Quairading Debt Recovery Policy
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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1.1.21 Rate Record: Objections

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Delegator Power/Duty assigned in legislation	Local Government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.42 Delegation of some powers or duties to the CEO - s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> - s.6.76 Grounds of objection
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)]. 2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)].
Council Conditions on this Delegation	<ol style="list-style-type: none"> 1. 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. 2. An extension is not to be granted for a period exceeding six weeks.
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Executive Manager, Corporate Services
CEO Conditions on this Subdelegation	<ol style="list-style-type: none"> 1. Conditions on the original delegation also apply to the Subdelegations.
Compliance Links	<ul style="list-style-type: none"> • Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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1.1.22 Complaints: Code of Conduct

Delegator Power/Duty assigned in legislation	Local Government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.42 Delegation of some powers or duties to the CEO - s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Local Government (Model Code of Conduct) Regulations 2021</i> <ul style="list-style-type: none"> - clause 11(3)
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Authority to receive complaints. 2. Authority withdraw complaints. 3. Authority to appoint persons to receive/withdraw complaints.
Council Conditions on this Delegation	Nil
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate/s Appointed by CEO	Nil
CEO Conditions on this Subdelegation	<ol style="list-style-type: none"> 1. Conditions on the original delegation also apply to the Subdelegations.
Compliance Links	Nil
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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1.2 CEO to Employees

1.2.1 Determine if an Emergency for Emergency Powers of Entry

Delegator Power/Duty assigned in legislation	Chief Executive Officer
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.3.34(2) Entry in emergency
Delegate/s	<ul style="list-style-type: none"> • Executive Manager, Works & Services
Function: Delegates must act with full understanding of legislation and conditions	1. Authority to determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions [s.3.34(2)].
CEO Conditions on this Delegation	1. Exercise of delegation to be reported to Council at the first Ordinary Council Meeting after authority exercised.
Express Power to Subdelegate	Nil
Compliance Links	Nil
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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1.2.2 Determine & Manage Conditions on Approvals to Obstruct a Public Thoroughfare

Delegator Power/Duty assigned in legislation	Chief Executive Officer
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Local Government (Uniform Local Provisions) Regulations 1996</i> <ul style="list-style-type: none"> - r.6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)
Delegate/s	<ul style="list-style-type: none"> • Executive Manager, Works & Services
Function Delegates must act with full understanding of legislation and conditions	<p>When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.1.9:</p> <ol style="list-style-type: none"> 1. Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP r.6(4)(d)]. 2. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b). 3. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP r.6(5)(d)].
CEO Conditions on this Delegation	<ol style="list-style-type: none"> 1. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.1.6 Obstruction of Footpaths and Thoroughfares. 2. Actions under this Delegation must comply with the procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.
Express Power to Subdelegate	Nil
Compliance Links	<ul style="list-style-type: none"> • This delegated authority is effective only in alignment with Delegated Authority 1.1.6 Obstructions of Footpaths and Thoroughfares • <i>Local Government (Uniform Local Provisions) Regulations 1996</i> • Penalties under the <i>Uniform Local Provisions Regulations</i> are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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1.2.3 Determine & Manage Conditions on Permission for Dangerous Excavations on Land Adjoining Public Thoroughfares

Delegator Power/Duty assigned in legislation	Chief Executive Officer
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Local Government (Uniform Local Provisions) Regulations 1996</i> <ul style="list-style-type: none"> - r.11.6(c) and 11.7(c) Dangerous excavation in or near public thoroughfare – Sch. 9.1 cl.6
Delegate/s	Executive Manager, Works & Services
Function Delegates must act with full understanding of legislation and conditions	<p>When determining to grant permission to for a dangerous excavation under Authority 1.1.11:</p> <ol style="list-style-type: none"> 1. Authority to determine, as a condition of granting permission, the sum sufficient to deposit to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.11(6)(c)]. 2. Authority to determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience [r.11(7)(c)]. 3. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily.
CEO Conditions on this Delegation	<ol style="list-style-type: none"> 1. Decisions under this delegation must be exercised in alignment with Council’s delegated authority 1.1.7 Public Thoroughfares – Dangerous Excavations. 2. Actions under this delegation must comply with the procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>.
Express Power to Subdelegate	Nil
Compliance Links	<ul style="list-style-type: none"> • This delegated authority is effective only in alignment with Delegated Authority 1.1.7 Public Thoroughfares – Dangerous Excavations. • <i>Local Government (Uniform Local Provisions) Regulations 1996</i> • Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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1.2.4 Determine & Manage Conditions on Permission for Private Works On, Over, or Under Public Places

Delegator Power/Duty assigned in legislation	Chief Executive Officer
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Local Government (Uniform Local Provisions) Regulations 1996</i> <ul style="list-style-type: none"> - r.17(5)(b) and r.17(6)(c) Private works on, over, or under public places – Sch. 9.1 cl. 8
Delegate/s	Executive Manager, Works & Services
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Authority to determine, as a condition of granting permission for private works in public places, the sum sufficient to deposit with the local government to cover the cost of repairing damage to the public thoroughfare or public place resulting from the crossing construction, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.17(5)(b)]. 2. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [r.17(6)(c)].
CEO Conditions on this Delegation	Nil
Express Power to Subdelegate	Nil
Compliance Links	<ul style="list-style-type: none"> • This delegated authority is effective only in alignment with Delegated Authority 1.1.9 Private Works on, over or under Public Places.
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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1.2.5 Electoral Enrolment Eligibility Claims & Electoral Roll

Delegator Power/Duty assigned in legislation	Chief Executive Officer
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.4.32(4), (5A) & (5) Eligibility to enrol under s.4.30, how to claim - s.4.34 Accuracy of enrolment details to be maintained - s.4.35 Decision that eligibility to enrol under s.4.30 has ended - s.4.37 New roll for each election • <i>Local Government (Elections) Regulations 1995</i> <ul style="list-style-type: none"> - r.11(1a) Nomination of co-owners or co-occupiers — s.4.31 - r.13(2) & (4) Register - s.4.32(6)
Delegate/s	<ul style="list-style-type: none"> • Executive Manager, Corporate Services
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)]. 2. Authority to decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)]. 3. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.4.32(5A)]. 4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)]. 5. Authority to approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their families safety at risk [Elections r.13(2)]. 6. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)]. 7. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34]. 8. Authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination. 9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)]. 10. Decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day which is less than 100 days since the last election day [s.4.37(3)].
CEO Conditions on this Delegation	<ol style="list-style-type: none"> 1. Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7).
Express Power to Subdelegate	Nil
Compliance Links	<ul style="list-style-type: none"> • Department of Local Government, Sport and Cultural Industries: Returning Officer Manual

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1.2.6 Destruction of Electoral Papers

Delegator Power/Duty assigned in legislation to:	Chief Executive Officer
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Local Government (Elections) Regulations 1996</i> <ul style="list-style-type: none"> - r.82(4) Keeping election papers – s4.84(a)
Delegate/s	<ul style="list-style-type: none"> • Executive Manager, Corporate Services
Function Delegates must act with full understanding of legislation and conditions	1. Authority to, after a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [Elect. r.82(4)].
CEO Conditions on this Delegation	Nil
Express Power to Subdelegate	Nil
Compliance Links	<ul style="list-style-type: none"> • Department of Local Government, Sport and Cultural Industries: Returning Officer Manual
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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1.2.7 Information to be Available to the Public

Delegator Power/Duty assigned in legislation	Chief Executive Officer
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Local Government (Administration) Regulations 1996</i> <ul style="list-style-type: none"> - r.29(2) &(3) Information to be available for public inspection (Acts s.5.94) - r.29B Copies of certain information not to be provided (Act s.5.96) Local Government Act 1995: <ul style="list-style-type: none"> - s.9.95(1)(b) & (3)(b) Limits on right to inspect local government information
Delegate/s	Executive Manager, Corporate Services
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Authority to determine the public right to inspect information, by determining if the information requested relates to a part of a meeting that could have been closed to members of the public but was not [Admin. r.29(2)]. 2. Authority to determine the public right to inspect information in an agenda or minutes, by determining if the information requested would be part of the meeting which is likely to be closed to members of the public [Admin. r.29(3)]. 3. Authority to determine the manner and form by which a person may request copies of rates record information [s.5.94(m)] or owners and occupiers register and electoral rolls [s.5.94(s)] and to make the information available, if satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes [Admin r.29B]. 4. Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s.9.95(1)(b)]. 5. Authority to determine not to provide a right to inspect information contained in notice papers, agenda, minutes, or information tabled at a meeting, where it is considered that that part of the meeting could have been closed to members of the public but was not closed [s.5.94(3)(b)].
CEO Conditions on this Delegation	Nil
Express Power to Subdelegate	Nil
Compliance Links	Nil
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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1.2.8 Financial Management Systems & Procedures

Delegator Power/Duty assigned in legislation	Chief Executive Officer
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Local Government (Financial Management) Regulations 1996</i> <ul style="list-style-type: none"> - r.5 CEO's Duties as to financial management
Delegate/s	Executive Manager, Corporate Services
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Authority to establish systems and procedures [FM r.5] that give effect to internal controls and risk mitigation for the: <ol style="list-style-type: none"> a. Collection of money owed to the Shire; b. Safe custody and security of money collected or held by the Shire; c. Maintenance and security of all financial records, including payroll, stock control and costing records; d. Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities; e. Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards; f. Making of payments in accordance with Delegated Authority 1.1.13; g. Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements.
CEO Conditions on this Delegation	<ol style="list-style-type: none"> 1. Procedures are to be systematically documented and retained in accordance with the Shire's Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. 2. 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 each 3 financial years. [Audit r.17].
Express Power to Subdelegate	Nil
Compliance Links	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Local Government (Financial Management) Regulations 1996</i> • <i>Local Government (Audit) Regulations 1996</i> • Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System and/or Synergy.

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1.2.9 Audit: CEO Review of Systems & Procedures

Delegator Power/Duty assigned in legislation	Chief Executive Officer
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Local Government (Audit) Regulations 1996</i> <ul style="list-style-type: none"> - r.17 CEO to review certain systems and procedures
Delegate/s	Executive Manager, Corporate Services
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Authority to conduct the review of the appropriateness and effectiveness of the Shire's systems and procedures in relation to: <ol style="list-style-type: none"> a. risk management; and b. internal controls; and c. legislative compliance [r.17(1)].
CEO Conditions on this Delegation	<ol style="list-style-type: none"> 1. Each matter is to be reviewed at least once within every three financial years, with a report on each matter to be provided to the Audit and Risk Committee that details the findings, including any identified deficiencies, and actions required.
Express Power to Subdelegate	Nil
Compliance Links	<ul style="list-style-type: none"> • <i>Local Government (Audit) Regulations 1996</i>
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management.

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1.2.10 Infringement Notices

Delegator Power/Duty assigned in legislation	Chief Executive Officer
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> - s.9.13(6)(b) Onus of proof in vehicle offences may be shifted - s.9.19 Extension of Time - s.9.20 Withdrawal of Notice Building Regulations 2012: - Regulation 70(1A), (1), (2) Approved officers and authorised officers
Delegate/s	Executive Manager, Works & Services
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Authority to consider an owner of a vehicle's submission that the vehicle that is subject of an infringement notice, had been stolen or unlawfully taken at the time of the alleged offence [s.9.13(6)(b)]. 2. Authority to extend the 28-day period within which payment of a modified penalty may be paid, whether or not the period of 28-days has elapsed [s.9.19]. 3. Authority to withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s.9.20].
CEO Conditions on this Delegation	<ol style="list-style-type: none"> 1. A delegate who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this Delegation.
Express Power to Subdelegate	Nil
Compliance Links	Nil
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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1.3 Local Law Delegations to the CEO

1.3.1 Administration of the Shire's Local Laws

Delegator Power/Duty assigned in legislation	Local Government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.42 Delegation of some powers or duties to the CEO - s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.3.18 Performing Executive functions
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. To administer the Shire's local laws (listed) and do all other things that are necessary or convenient to be done for, or in connection, with performing their functions under the <i>Local Government Act 1995</i>: <ol style="list-style-type: none"> a. Pest Plants Local Law 2016 b. Pest Plants Amendment Local Law 2018 c. Health Local Laws 2000 d. Health Local Law 2017 e. Cemetery Local Law 2016 f. Local Government Property Local Law 2016 g. Activities in Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2016 h. Animals, Environment and Nuisance Amendment Local Law 2019 i. Dogs Local Law 2004
Council Conditions on this Delegation	<ol style="list-style-type: none"> 1. Delegation excludes: <ol style="list-style-type: none"> a. Setting of fees and charges under section 6.16 of <i>the Local Government Act 1995</i>; and b. Decision-making where the local law specifies the matter be determined by Council resolution. c. Subject to Council policy, Withdrawal or Upholding of Infringements
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Executive Manager, Corporate Services • Executive Manager, Works & Services • Executive Manager, Community, Strategy & Projects • Manager, Health & Building
CEO Conditions on this Subdelegation	<ol style="list-style-type: none"> 1. Conditions on the original delegation also apply to the Subdelegations.
Compliance Links	<ul style="list-style-type: none"> • Council Policy – Withdrawal or Upholding of Infringements.
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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2 Building Act 2011 Delegations

2.1 Council to CEO

2.1.1 Grant A Building Permit

Delegator Power/Duty assigned in legislation	Permit Authority (Local Government)
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Building Act 2011</i> <ul style="list-style-type: none"> - s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Building Act 2011</i> <ul style="list-style-type: none"> - s.18 Further Information - s.20 Grant of building permit - s.22 Further grounds for not granting an application - s.27(1) and (3) Impose Conditions on Permit • <i>Building Regulations 2012</i> <ul style="list-style-type: none"> - 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 Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required 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 [s.27(1) and(3)]. 4. Authority to determine an application to extend time during which a building permit has effect [r.23]. <ol style="list-style-type: none"> a. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] b. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].
Council Conditions on this Delegation	<ol style="list-style-type: none"> 1. Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the <i>Building Regulations 2012</i>.
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Building Act 2011</i> <ul style="list-style-type: none"> - s.127(6A) Delegation: special permit authorities and local governments (powers of Subdelegation limited to CEO)
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Manager, Health & Building
CEO Conditions on this Subdelegation	<ol style="list-style-type: none"> 1. Conditions on the original delegation also apply to the Subdelegations.
Record Keeping:	All exercises of delegated authority to be record managed in F: Information Management System.

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2.1.2 Demolition Permits

Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the *Building Regulations 2012*.

Delegator: Power/Duty assigned in legislation	Permit Authority (Local Government)
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Building Act 2011</i> <ul style="list-style-type: none"> - s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Building Act 2011</i> <ul style="list-style-type: none"> - s.18 Further Information - s.21 Grant of demolition permit - s.22 Further grounds for not granting an application - s.27(1) and (3) Impose Conditions on Permit • <i>Building Regulations 2012</i> <ul style="list-style-type: none"> - 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 Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)]. 2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and(3)]. 4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]. <ol style="list-style-type: none"> a. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]. b. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].
Council Conditions on this Delegation	Nil
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Building Act 2011</i> <ul style="list-style-type: none"> - s.127(6A) Delegation: special permit authorities and local governments (powers of Subdelegation limited to CEO)
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Manager, Health & Building
CEO Conditions on this Subdelegation	<ol style="list-style-type: none"> 1. Conditions on the original delegation also apply to the Subdelegations.

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Compliance Links	<ul style="list-style-type: none"> • <i>Building Act 2011</i> <ul style="list-style-type: none"> - s.119 Building and demolition permits – application for review by - SAT - s.23 Time for deciding application for building or demolition permit - Building Services (Complaint Resolution and Administration) Act 2011 Part 7, Division 2 - Building and Construction Industry Training Levy Act 1990 • <i>Heritage Act 2018</i>
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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2.1.3 Occupancy Permits or Building Approval Certificates

Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the *Building Regulations 2012*.

Delegator Power/Duty assigned in legislation to:	Permit Authority (Local Government)
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Building Act 2011</i> <ul style="list-style-type: none"> - s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Building Act 2011</i> <ul style="list-style-type: none"> - 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 • <i>Building Regulations 2012</i> <ul style="list-style-type: none"> - r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55]. 2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58]. 3. Authority to impose, add, vary or revoke conditions on an occupancy permit [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].
Council Conditions on this Delegation	Nil
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Building Act 2011</i> <ul style="list-style-type: none"> - s.127(6A) Delegation: special permit authorities and local governments (powers of Subdelegation limited to CEO)
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Manager, Health & Building
CEO Conditions on this Subdelegation	<ol style="list-style-type: none"> 1. Conditions on the original delegation also apply to the Subdelegations.
Compliance Links	<ul style="list-style-type: none"> • <i>Building Act 2011</i> <ul style="list-style-type: none"> - s.59 time for granting occupancy permit or building approval certificate - s.60 Notice of decision not to grant occupancy permit or grant building approval certificate - s.121 Occupancy permits and building approval certificates – application for review by SAT • <i>Building Services (Complaint Resolution and Administration) Act 2011</i> <ul style="list-style-type: none"> - Part 7, Division 2 • <i>Building and Construction Industry Training Levy Act 1990</i> • <i>Heritage Act 2018</i>
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2.1.4 Designate Employees as Authorised Persons

Delegator Power/Duty assigned in legislation	Permit Authority (Local Government)
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Building Act 2011</i> <ul style="list-style-type: none"> - s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Building Act 2011</i> <ul style="list-style-type: none"> - s.96(3) authorised persons - s.99(3) Limitation on powers of authorised person
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Authority to designate an employee as an authorised person [s.96(3)]. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)]. 3. An <i>authorised person</i> for the purposes of sections 96(3) and 99(3) is <u>not</u> an <i>approved officer</i> or <i>authorised officer</i> for the purposes of Building Reg. 70.
Council Conditions on this Delegation	<ol style="list-style-type: none"> 1. Decisions under this delegated authority will be in accordance with r.5 of the <i>Building Regulations 2012</i>.
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Building Act 2011</i> <ul style="list-style-type: none"> - s.127(6A) Delegation: special permit authorities and local governments (powers of Subdelegation limited to CEO)
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Manager, Health & Building
CEO Conditions on this Subdelegation	<ol style="list-style-type: none"> 1. Conditions on the original delegation also apply to the Subdelegations.
Compliance Links	<ul style="list-style-type: none"> • <i>Building Act 2011</i> <ul style="list-style-type: none"> - s.97 each designated authorised person must have an identity card. - r.5A Authorised persons (s.3) – definition
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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2.1.4.1 *Building Orders*

Delegator Power/Duty assigned in legislation	Permit Authority (Local Government)
Express Power to Delegate: Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Building Act 2011</i> <ul style="list-style-type: none"> - s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Building Act 2011</i> <ul style="list-style-type: none"> - s.110(1) A permit authority may make a building order - s.111(1) Notice of proposed building order other than building order (emergency) - s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect - s.118(2) and (3) Permit authority may give effect to building order if noncompliance - s.133(1) A permit authority may commence a prosecution for an offence against this Act
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> a. Building work b. Demolition work c. An existing building or incidental structure [s.110(1)]. 2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]. 3. Authority to revoke a building order [s.117]. 4. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> a. take any action specified in the order ; or b. commence or complete any work specified in the order; or c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)]. 5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)]. 6. Authority to initiate a prosecution pursuant to section 133(1) for noncompliance with a building order made pursuant to section 110 of the <i>Building Act 2011</i>.
Council Conditions on this Delegation	Nil
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Building Act 2011</i> <ul style="list-style-type: none"> - s.127(6A) Delegation: special permit authorities and local governments (powers of Subdelegation limited to CEO)
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Manager, Health & Building
CEO Conditions on this Subdelegation	<ol style="list-style-type: none"> 1. Conditions on the original delegation also apply to the Subdelegations.

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Compliance Links	<ul style="list-style-type: none"> • <i>Building Act 2011</i> <ul style="list-style-type: none"> - Section 111 Notice of proposed building order other than building order (emergency) - Section 112 Content of building order - Section 113 Limitation on effect of building order - Section 114 Service of building order - Part 9 Review - s.122 Building orders – application for review by - SAT
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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2.1.4.2 *Inspection & Copies of Building Records*

Delegator Power/Duty assigned in legislation	Permit Authority (Local Government)
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Building Act 2011</i> <ul style="list-style-type: none"> - s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Building Act 2011</i> <ul style="list-style-type: none"> - s.131(2) Inspection, copies of building records
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].
Council Conditions on this Delegation	Nil
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Building Act 2011</i> <ul style="list-style-type: none"> - s.127(6A) Delegation: special permit authorities and local governments (powers of Subdelegation limited to CEO)
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Manager, Health & Building
CEO Conditions on this Subdelegation	1. Conditions on the original delegation also apply to the Subdelegations.
Compliance Links	<ul style="list-style-type: none"> • <i>Building Act 2011</i> <ul style="list-style-type: none"> - s.146 Confidentiality
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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2.1.4.3 Referrals & Issuing Certificates

Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with Building Regulation 5.

Delegator Power/Duty assigned in legislation	Permit Authority (Local Government)
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Building Act 2011</i> <ul style="list-style-type: none"> - s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Building Act 2011</i> <ul style="list-style-type: none"> - s.145A Local Government functions
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	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)].
Council Conditions on this Delegation	Nil
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Building Act 2011</i> <ul style="list-style-type: none"> - s.127(6A) Delegation: special permit authorities and local governments (powers of Subdelegation limited to CEO)
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Manager, Health & Building
CEO Conditions on this Subdelegation	Conditions on the original delegation also apply to the Subdelegations.
Compliance Links	<ul style="list-style-type: none"> • <i>Building Act 2011</i>
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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2.1.4.4 Private Pool Barrier: Alternative & Performance Solutions

Delegator Power/Duty assigned in legislation	Permit Authority (Local Government)
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Building Act 2011</i> <ul style="list-style-type: none"> - s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Building Regulations 2012</i> <ul style="list-style-type: none"> - r.51 Approvals by permit authority
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 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 compliant 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)].
Council Conditions on this Delegation	Nil
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Building Act 2011</i> <ul style="list-style-type: none"> - s.127(6A) Delegation: special permit authorities and local governments (powers of Subdelegation limited to CEO)
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Manager, Health & Building
CEO Conditions on this Subdelegation	<ul style="list-style-type: none"> • Conditions on the original delegation also apply to the Subdelegations.
Compliance Links	<ul style="list-style-type: none"> • <i>Building Act 2011</i> • <i>Building Regulations 2012</i>
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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2.1.4.5 Smoke Alarms: Alternative Solutions

Delegator Power/Duty assigned in legislation	Local Government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Building Act 2011</i>: <ul style="list-style-type: none"> - s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Building Regulations 2012</i>: <ul style="list-style-type: none"> - r.55 Terms Used (alternative building solution approval) - r.61 Local Government approval of battery powered smoke alarms
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55]. 2. 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].
Council Conditions on this Delegation	Nil
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Building Act 2011</i>: <ul style="list-style-type: none"> - s.127(6A) Delegation: special permit authorities and local governments (powers of Subdelegation limited to CEO)
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Manager, Health & Building
CEO Conditions on this Subdelegation	<ol style="list-style-type: none"> 1. Conditions on the original delegation also apply to the Subdelegations.
Compliance Links	<ul style="list-style-type: none"> • <i>Building Act 2011</i> • <i>Building Regulations 2012</i>
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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3 BUSH FIRES ACT 1954 DELEGATIONS

3.1 Council to CEO & Bush Fire Control Officer

3.1.1 Functions of the Local Government under the *Bush Fires Act 1954*

Delegator Power/Duty assigned in legislation	Local Government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> - s.48 Delegation by local government
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> - s. 48(1) Authority to perform any local government functions under the <i>Bush Fires Act 1954</i>.
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	1. Authority to perform any local government functions under the Bush Fires Act 1954.
Council Conditions on this Delegation	Nil
Express Power to Subdelegate	Nil – Subdelegation is prohibited by s.48(3)
Subdelegate/s Appointed by CEO	Nil
Compliance Links	<ul style="list-style-type: none"> • <i>Bush Fires Act 1954</i>
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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4 CAT ACT 2011 DELEGATIONS

4.1 Council to CEO

4.1.1 Functions of a Local Government under the *Cat Act 2011, Cat Regulations 2012* and *Cat (Uniform Local Provisions) Regulations 2013*

Delegator Power/Duty assigned in legislation	Local Government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Cat Act 2011</i> <ul style="list-style-type: none"> - s.44 Delegation by local government
Express Power or Duty Delegated	Authority to exercise any of the local government's powers and discharge any of the local government's duties under the <i>Cat Act 2011, Cat Regulations 2012</i> and <i>Cat (Uniform Local Provisions) Regulations 2013</i> .
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	Authority to exercise any of the local government's powers and discharge any of the local government's duties under the <i>Cat Act 2011, Cat Regulations 2012</i> and <i>Cat (Uniform Local Provisions) Regulations 2013</i> .
Council Conditions on this Delegation	Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i> .
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Cat Act 2011</i> <ul style="list-style-type: none"> - s.45 Delegation by CEO of local government
Subdelegate/s Appointed by CEO	Excluding authority to exercise powers or discharge duties of ss63, 64 or 65 if appointed as an authorised person under s.48 of the <i>Cat Act 2011</i> .): <ol style="list-style-type: none"> 1. Externally contracted Ranger Services 2. Manager, Health & Building 3. Executive Manager, Works & Services
CEO Conditions on this Subdelegation	<ol style="list-style-type: none"> 1. Conditions on the original delegation also apply to the subdelegations.
Compliance Links	<ul style="list-style-type: none"> • <i>Cat Act 2011</i> • <i>Cat Regulations 2012</i> • <i>Cat (Uniform Local Provisions) Regulations 2013</i>
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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5 DOG ACT 1974 DELEGATIONS

5.1 Council to CEO

5.1.1 Functions of a Local Government under the *Dog Act 1976* and *Dog Regulations 2013*

Delegator Power/Duty assigned in legislation	Local Government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Dog Act 1976</i> <ul style="list-style-type: none"> - s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated	Authority to exercise any of the local government's powers and discharge any of the local government's duties under the <i>Dog Act 1976</i> and <i>Dog Regulations 2013</i> .
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	Authority to exercise any of the local government's powers and discharge any of its duties under the <i>Dog Act 1976</i> and <i>Dog Regulations 2013</i> .
Council Conditions on this Delegation	<ol style="list-style-type: none"> 1. Authority to Subdelegate is permitted [s.10AA(3)]. 2. Excludes authority to establish a dog management facility under s.11 3. Excludes authority to exercise powers or discharge duties where the <i>Dog Act 1974</i> requires absolute majority decisions by Council (as defined in s.1.4 of the <i>Local Government Act 1995</i>.) These are decisions involving public places, or a class of public place, under the care, control or management of the Shire specifying: <ol style="list-style-type: none"> a. where dogs are to be prohibited at all or specified times under s.31(2B)]; b. that are to be dog exercise areas under s.31(3A); or c. that are to be a rural leashing area under s31(3B).
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Dog Act 1976</i>: <ul style="list-style-type: none"> - s.10AA(3) Delegation of local government powers and duties (subdelegation only permitted where delegation to the CEO expressly authorises subdelegation)
Subdelegate/s Appointed by CEO	<ol style="list-style-type: none"> 1. Externally contracted Ranger Services 2. Manager, Health & Building 3. Executive Manager, Works & Services
CEO Conditions on this Subdelegation	<ol style="list-style-type: none"> 1. Conditions on the original delegation also apply to the Subdelegations.
Compliance Links	<ul style="list-style-type: none"> • <i>Dog Act 1976</i> <ul style="list-style-type: none"> - S.10AA(1) Delegations to the CEO to be by absolute majority as defined in s.1.4 of the <i>Local Government Act 1995</i>. • <i>Dog Regulations 2013</i>
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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6 FOOD ACT 2008 DELEGATIONS

6.1 Council to CEO

6.1.1 Prohibition Orders

Delegator Power/Duty assigned in legislation	Enforcement Agency (local government).
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Food Act 2008</i> <ul style="list-style-type: none"> - s.118 Functions of enforcement agencies and delegation
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Food Act 2008</i> <ul style="list-style-type: none"> - s.65(1) Prohibition orders - s.66 Certificate of clearance to be given in certain circumstances - s.67(4) Request for re-inspection
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the 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)].
Council Conditions on this Delegation	<ol style="list-style-type: none"> 1. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. 2. Authority to exercise powers of s.65(1) and s.66 unable to be subdelegated.
Express Power to Subdelegate	<ul style="list-style-type: none"> • Nil – <i>Food Regulations 2009</i> do not provide for subdelegation.
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Manager, Health & Building
Compliance Links	<ul style="list-style-type: none"> • <i>Food Act 2008</i> • <i>Food Regulations 2009</i> • Decisions under this delegation may be referred for review by the State Administration Tribunal.
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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6.1.2 Food Business Registrations

Delegator Power/Duty assigned in legislation	Enforcement Agency (defined as a 'local government' in s8 of the <i>Food Act 2008</i>).
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Food Act 2008</i> <ul style="list-style-type: none"> - s.118 Functions of enforcement agencies and delegation
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Food Act 2008</i> <ul style="list-style-type: none"> - s110(1) and (5) Registration of food business - s.112 Variation of conditions or cancellation of registration of food businesses
Delegate	<ul style="list-style-type: none"> • Chief Executive Officer • Manager, Health & Building
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)]. 2. Authority to vary the conditions or cancel the registration of a food business [s.112].
Council Conditions on this Delegation	<p>In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to:</p> <ul style="list-style-type: none"> • <i>Food Act 2008</i> Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA • Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1 • WA Priority Classification System • Verification of Food Safety Program Guideline
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Food Act 2008</i>
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Manager, Health & Building
Compliance Links	<ul style="list-style-type: none"> • <i>Food Act 2008</i> • <i>Food Regulations 2009</i> • Decisions under this delegation may be referred for review by the State Administration Tribunal.
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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6.1.3 Appoint Authorised Officers & Designated Officers

Delegator Power/Duty assigned in legislation	Enforcement Agency (defined as a 'local government' in s8 of the <i>Food Act 2008</i>).
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Food Act 2008</i>: <ul style="list-style-type: none"> - s.118 Functions of enforcement agencies and delegation
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Food Act 2008</i>: <ul style="list-style-type: none"> - s.122(1) Appointment of authorised officers - s.126(6), (7) and (13) Infringement Officers
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 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 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)].
Council Conditions on this Delegation	<ol style="list-style-type: none"> 1. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ol style="list-style-type: none"> a. Appointment of Authorised Officers as Meat Inspectors b. Appointment of Authorised Officers c. Appointment of Authorised Officers – designated officers only d. Appointment of Authorised Officers – appointment of persons to assist with the discharge of duties of an authorised officer
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Food Act 2008</i>
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Manager, Health & Building
Compliance Links	<ul style="list-style-type: none"> • <i>Food Act 2008</i> <ul style="list-style-type: none"> - s.122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers - s.123(1) requires an Enforcement Agency to provide each authorised officer with a Certificate of Authority as prescribed
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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7 GRAFFITI VANDALISM ACT 2016 DELEGATIONS

7.1 Council to CEO

7.1.1 Functions of a Local Government under the *Graffiti Vandalism Act 2016*

Delegator Power/Duty assigned in legislation	Local Government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Graffiti Vandalism Act 2016</i> <ul style="list-style-type: none"> - s.16 Delegation by local government
Express Power or Duty Delegated	Authority to exercise any of the local government's powers and discharge any of the local government's duties under the <i>Graffiti Vandalism Act 2016</i> .
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	The CEO is delegated with authority to exercise any of the local government's powers and discharge any of the local government's duties under the <i>Graffiti Vandalism Act 2016</i> .
Council Conditions on this Delegation	Authority to be exercised in accordance with the Shire of Quairading Graffiti & Vandalism Removal Policy. Council is to deal with objections to a notice given under s.18 as if it were an objection to a decision by the local government under s.9.6 of the <i>Local Government Act 1995</i> .
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Graffiti Vandalism Act 2016</i>: <ul style="list-style-type: none"> - s.17 Delegation by CEO of local government
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Manager, Health & Building • Executive Manager, Works & Services
CEO Conditions on this Subdelegation	1. Conditions on the original delegation also apply to the Subdelegations.
Compliance Links	<ul style="list-style-type: none"> • <i>Graffiti Vandalism Act 2016</i> • Shire of Quairading Graffiti & Other Vandalism Policy
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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8 PUBLIC HEALTH ACT 2016 DELEGATIONS

8.1 Council to CEO

8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)

Delegator Power/Duty assigned in legislation	Local Government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Health (Asbestos) Regulations 1992</i> <ul style="list-style-type: none"> - r.15D(7) Infringement Notices
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Health (Asbestos) Regulations 1992</i> <ul style="list-style-type: none"> - r.15D(5) Infringement Notices
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	1. Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 [r.15D(5)].
Council Conditions on this Delegation	1. Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)].
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Health (Asbestos) Regulations 1992</i> do not provide a power to subdelegate.
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Manager, Health & Building: Authority to write infringements [r.15D Part 5]
CEO Conditions on this Subdelegation	<ol style="list-style-type: none"> 1. Conditions on the original delegation also apply to the Subdelegations. 2. Authorisation to withdraw infringements can only be exercised by CEO.
Compliance Links	<ul style="list-style-type: none"> • <i>Public Health Act 2016</i> • <i>Criminal Procedure Act 2004</i> – Part 2 <ul style="list-style-type: none"> - Certificate of Appointment; badge or identity card identifying authorised officers [15D(6)] • Shire of Quairading Register of Authorised Officers
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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8.1.2 Enforcement Agency Reports to the Chief Health Officer

Delegator Power/Duty assigned in legislation	Enforcement Agency (Local Government)
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Public Health Act 2016</i> <ul style="list-style-type: none"> - s.21 Enforcement agency may delegate
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Public Health Act 2016</i> <ul style="list-style-type: none"> - s.22 Reports by and about enforcement agencies
Delegate	<ul style="list-style-type: none"> • Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 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. [s.22(1)] 2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].
Council Conditions on this Delegation	Nil
Express Power to Subdelegate	No express power exists unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Manager, Health & Building
Compliance Links	<ul style="list-style-type: none"> • <i>Public Health Act 2016</i> <ul style="list-style-type: none"> - s.20 Conditions on performance of functions by enforcement agencies.
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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8.1.3 Designate Authorised Officers

Delegator Power/Duty assigned in legislation	Enforcement Agency (Local Government)
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Public Health Act 2016</i> <ul style="list-style-type: none"> - s.21 Enforcement agency may delegate
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Public Health Act 2016</i> <ul style="list-style-type: none"> - s.24(1) and (3) Designation of authorised officers
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Authority to designate a person or class of persons as authorised officers for the purposes of: <ol style="list-style-type: none"> a. The <i>Public Health Act 2016</i> or other specified Act; b. Specified provisions of the <i>Public Health Act 2016</i> or other specified Act; c. Provisions of the <i>Public Health Act 2016</i> or another specified Act, other than the specified provisions of that Act, including: <ol style="list-style-type: none"> i. an environmental health officer or environmental health officers as a class; or ii. a person who is not an environmental health officer or a class of persons who are not environmental health officers, or iii. a mixture of the two. [s.24(1) and (3)].
Council Conditions on this Delegation	<ol style="list-style-type: none"> 1. Subject to each person so appointed being; <ol style="list-style-type: none"> a. Appropriately qualified and experienced [s.25(1)(a)]; and b. Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31]. 2. A Register (list) of authorised officers is to be maintained in accordance with s.27.
Express Power to Subdelegate	No express power unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Manager, Health & Building
Compliance Links	<ul style="list-style-type: none"> • <i>Public Health Act 2016</i> <ul style="list-style-type: none"> - s.20 Conditions on performance of functions by enforcement agencies. - s.25 Certain authorised officers required to have qualifications and experience. - s.26 Further provisions relating to designations - s.27 Lists of authorised officers to be maintained - s.28 When designation as authorised officer ceases - s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers s.30 Certificates of authority - s.31 Issuing and production of certificate of authority for purposes of other written laws - s.32 Certificate of authority to be returned. - s.136 Authorised officer to produce evidence of authority

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	<ul style="list-style-type: none"> • <i>Criminal Investigation Act 2006</i> <ul style="list-style-type: none"> - Parts 6 and 13 refer s.245 of the <i>Public Health Act 2016</i> • <i>The Criminal Code</i> <ul style="list-style-type: none"> - Chapter XXVI – refer s.252 of the <i>Public Health Act 2016</i> • Certificates of Authority; badge or identity card identifying authorised officers [15D(6)] • Shire of Quairading Register of Authorised Officers
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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9 PLANNING & DEVELOPMENT ACT 2005 DELEGATIONS

9.1 Council to CEO

9.1.1 Illegal Development

Delegator Power/Duty assigned in legislation	Responsible Authority - Local Government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.42 - Delegation of some powers or duties to the CEO - s.5.43 – Limitations on delegations to the CEO
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Planning and Development Act 2005</i> <ul style="list-style-type: none"> - s 214(2), (3) and (5)
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements [P&D S214(2)]; 2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> a. to remove, pull down, take up, or alter the development; and b. to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority [P&D s214(3)]. 3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order [P&D s214(5)]
Council Conditions on this Delegation	Nil
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate/s Appointed by CEO	Manager, Health & Building
CEO Conditions on this Subdelegation	<ul style="list-style-type: none"> • Conditions on the original delegation also apply to the Subdelegations. • Power to prosecute for other breaches of the <i>Planning and Development Act 2005</i> is contained in Section 20 of the <i>Criminal Procedure Act 2004</i>.
Compliance Links	<ul style="list-style-type: none"> • <i>Planning and Development Act 2005</i> <ul style="list-style-type: none"> - Part 13 – Enforcement and legal proceedings
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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9.1.2 Appointment of Designated Persons

Delegator Power/Duty assigned in legislation	Responsible Authority - Local Government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.42 Delegation of some powers or duties to the CEO
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Planning and Development Act 2005</i> <ul style="list-style-type: none"> - Section 234 Designated persons, appointment of
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	1. Appoint persons, or classes of persons as designated persons for the purposes of sections 228, 229, 230 and 231 of the <i>Planning and Development Act 2005</i> .
Council Conditions on this Delegation	1. Person who is authorised to give infringement notices under section 228 is not eligible to be a designated person for the purposes of any of the other sections mentioned under s234(1) of the <i>Planning & Development Act 2005</i> .
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate/s Appointed by CEO	Manager, Health & Building
CEO Conditions on this Subdelegation	1. Conditions on the original delegation also apply to the Subdelegations.
Compliance Links	<ul style="list-style-type: none"> • <i>Planning and Development Act 2005</i> <ul style="list-style-type: none"> - Section 228 – Giving an infringement notice - Section 229 – Content of infringement notice - Section 230 – Extending term to pay modified penalty - Section 231 – Withdrawal of infringement notice • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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9.2 Local Planning Scheme No 3 & Planning and Development (Local Planning Scheme) Regulations 2015: Council to CEO

9.2.1 Application for Development Approval

Delegator Power/Duty assigned in legislation	Responsible Authority - Local government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> - Schedule 2, cl.82, 83 and 84 - Delegations by local government
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> - Schedule 2 Deemed provisions for Local Planning Schemes.
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Refuse to accept an application under cl.85 of Schedule 2, Part 11 if the applicant does not agree for local government to use any copyrighted material provided with the application for advertising the application, or implementing a decision on an application and for zero remuneration. 2. May require a heritage assessment, in the manner and form approved by the Heritage Council of WA, to be carried out prior to approval of any development proposed in a heritage area or in respect of a place entered in the heritage list, despite any existing assessment on record. 3. Waive or vary a requirement set out in Clause 63(2), Part 8 of the Regulations in respect to information provided with a development application, c.63(2), Schedule 2, Part 8 of the Regulations. 4. Where an application relates to a place entered on a heritage list or an area designated as a heritage area under the Scheme, the information set out in c.63(3)(a)(b) and (c) may be required which relates to street elevations, schedule of finishes and comparison of proposed finishes to existing developments on immediately adjoining lots.
Council Conditions on this Delegation	Nil
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> - ss82, 83 and 84 Local government CEO may delegate powers
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Manager, Health & Building
CEO Conditions on this Subdelegation	<ol style="list-style-type: none"> 1. Conditions on the original delegation also apply to the Subdelegations.
Compliance Links	<ul style="list-style-type: none"> • <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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9.2.2 Development Control

Delegator Power/Duty assigned in legislation	Responsible Authority - Local government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> • Local Planning Scheme No. 3
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Approve development applications for a “single house”, “ancillary dwelling”, “grouped dwellings” or any associated, ancillary or incidental development including, but not limited to (outbuildings, garages/carports, patios and the like, front boundary fences, retaining walls and swimming pools) that: <ol style="list-style-type: none"> a. Does not include more than four grouped dwellings; and b. Satisfies the provisions of Local Planning Scheme No. 3, the <i>Planning & Development Regulations 2015</i>, the Shire’s Local Planning Strategy, the objectives of the Shire’s Local Planning Policies, the Residential Design Codes Volumes 1 and State Planning Policy 7.0; <ol style="list-style-type: none"> I. where no valid objections have been received from the affected landowners; or II. valid objections have been resolved to the satisfaction of the Shire. 2. Approve development applications for existing and new “multiple dwellings” development including any associated, ancillary or incidental development, including but not limited to, outbuildings, garages, carports, patio, front boundary fences, retaining walls and swimming pools that: <ol style="list-style-type: none"> a. Satisfy the provisions of Local Planning Scheme No 3, the <i>Planning & Development Regulations 2015</i>, the Shire’s Local Planning Strategy, the Objectives of the Shire’s Local Planning Policies, the Element Objectives of the Residential Design Codes Volume 2, State Planning Policy 7.0; and <ol style="list-style-type: none"> I. Where no valid objections have been received from the affected landowners; or II. the valid objections have been resolved to the satisfaction of the Shire. 3. Approve applications for non-residential (including non-conforming use) development where: <ol style="list-style-type: none"> a. the development is considered minor; and b. no valid objections have been received from affected adjoining landowners; or c. the valid objections have been resolved to the satisfaction of the Shire. 4. Approve applications that seek to reapprove expired development applications where no changes are made to the original approval. 5. Clear all conditions on planning approvals, except those requiring specific Council approval. 6. To waive or reduce development application fees in accordance with Council’s adopted Local Planning Policy. 7. Approve applications for “home business” where no valid objections have been received from affected adjoining landowners.

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	<ol style="list-style-type: none"> 8. Approve retrospective applications in accordance with clause 65 of the deemed provisions where no valid objections have been received and/or valid objections have been resolved 9. Approve applications for change of use where: <ol style="list-style-type: none"> a. It's a P use that varies relevant development standard/s; b. A D, A or, use not listed in the Scheme that varies relevant development standard/s, where no valid objections are received from affected parties; or c. Valid objections are resolved to the Shire's satisfaction. 10. Refuse applications that are inconsistent with Local Planning Scheme No 3, <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, SPP 7.3 Residential Design Codes Volume 1 and 2 and State Planning Policy 7.0. 11. Approve applications that seek to amend an existing planning approval granted by Council where: <ol style="list-style-type: none"> a. any new variations are considered minor; and b. the relevant design principles/element objectives of the residential design codes can be satisfied where applicable; and c. no valid objections received from affected parties; and/ or d. valid objections resolved to the satisfaction of the Shire. 12. Exercise discretion, determine and apply conditions to all applications for development approval made under the Shire's Local Planning Scheme No.3.
<p>Council Conditions on this Delegation</p>	<ol style="list-style-type: none"> 1. Any application is to be referred to Council for determination if one or more elected members request such referral in a written request to the Chief Executive Officer. 2. Any application for planning approval shall be referred to Council for determination, where requested by the applicant in writing. 3. Any application for planning approval to be referred to Council for determination, where the Manager, Health & Building requests. 4. The Chief Executive Officer is to report to the Council, on a monthly basis where the exercise of powers and functions related to this delegation has been undertaken.
<p>Express Power to Subdelegate</p>	<ul style="list-style-type: none"> • <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> - s83 Local government CEO may delegate powers
<p>Subdelegate/s Appointed by CEO</p>	<ul style="list-style-type: none"> • Manager, Health & Building

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<p>CEO Conditions on this Subdelegation Conditions on the original delegation also apply to the Subdelegations.</p>	<p>This delegation does not extend to:</p> <ol style="list-style-type: none"> 1. Applications for development approval that propose a new non-conforming use that is proposed to replace and effect the discontinuance of an existing non-conforming use. 2. Applications for telecommunications infrastructure that have received one or more objections. 3. Applications for development approval that propose the demolition of buildings identified in the Heritage List, within a Heritage Area, or on the State Register of Heritage Places. 4. Requests from the State Administrative Tribunal for a reconsideration of a Council decision under section 31 of the <i>State Administrative Tribunal Act 2004</i> where Council determined the application. 5. Change of Use applications which are classified D and A or are uses not listed in the Scheme where after advertising, valid submissions have been received which raise objections that are not able to be rectified by way of negotiation and/or amendment(s) being made to the proposal. 6. Grouped and/or Multiple Dwelling developments involving five 7. (5) or more dwellings.
<p>Compliance Links</p>	<ul style="list-style-type: none"> • <i>Planning and Development Act 2005</i> • <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> • Shire of Quairading Local Planning Scheme No 3 • State Planning Policy 7.3 - Residential Design Codes - Volume 1 • State Planning Policy 7.3 - Residential Design Codes - Volume 2 • Shire of Quairading Local Planning Policies • State Planning Policy 7.0 - Design of the Built Environment
<p>Record Keeping</p>	<p>All exercises of delegated authority to be record managed in F: Information Management System.</p>

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9.2.3 Subdivision

Delegator Power/Duty assigned in legislation	Responsible Authority – Local Government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.42 Delegation of some powers or duties to the CEO • <i>Planning and Development Act 2005</i> <ul style="list-style-type: none"> - clause 16 • WAPC Delegation (DEL2020/01): Powers of Local Government
Express Power or Duty Delegated	Authority to exercise the relevant powers and duties in the WAPC delegation instrument DEL2020/01.
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Approve a strata plan or an amendment of a strata plan to give effect to a subdivision of land by a strata scheme. (C15). 2. Impose conditions on a strata scheme approval as if the approval were for a plan of a submission given under the <i>Planning and Development Act 2005</i>. (c.15). 3. Approve an amendment to a scheme plan that proposes to Impose, vary or revoke a restricted use condition (c.21). 4. Approve an amendment or repeal of a scheme by-law (c.22).
Council Conditions on this Delegation	<ol style="list-style-type: none"> 1. A local government that exercises the power referred to in clause 1 and/or clause 2 of DEL2020/01 (clauses 15, 21 and 22 of the <i>Strata Titles Act 1985</i>) is to provide the WAPC with data on all applications determined under this Instrument of Delegation. This must be provided at the conclusion of each financial year in the format prescribed by the WAPC. 2. The delegation of s.15 of the <i>Strata Titles Act 1985</i>, does not apply to those applications that— <ol style="list-style-type: none"> a. propose the creation of a vacant lot; b. propose vacant air strata’s in multi-tiered strata scheme developments; c. propose the creation or postponement of a leasehold scheme; d. propose a type 1 (a) subdivision or a type 2 subdivision (as defined in s.3 of the <i>Strata Titles Act 1985</i>); e. in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to: <ol style="list-style-type: none"> I. a type of development; and/or II. land within an area, which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Manager, Health & Building
CEO Conditions on this Subdelegation	<ul style="list-style-type: none"> • Conditions on the original delegation also apply to the subdelegations.

Delegation Register
Shire of Quairading

Compliance Links	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO • <i>Planning and Development Act 2005</i> Clause 16(4) • DEL2020/01 - Powers of Local Government
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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9.2.4 Entering any Building or Land

Delegator Power/Duty assigned in legislation	Local Government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> <ul style="list-style-type: none"> - Schedule 2, Clauses 82, 83 and 84
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> <ul style="list-style-type: none"> - Schedule 2, Part 10, Clause 79
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Authority to appoint Authorised Officers for the purposes of entering any buildings or land to determine whether the provisions of Local Planning Scheme No. 3 have been or are being observed in accordance with the relevant clauses of the Planning and Development (Local Planning Schemes) 2. Regulations 2015 – Schedule 2 Deemed Provisions – including clause 79
Council Conditions on this Delegation	Nil
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Manager, Health & Building • Executive Manager, Infrastructure & Works
CEO Conditions on this Subdelegation	<ol style="list-style-type: none"> 1. Conditions on the original delegation also apply to the Subdelegations.
Compliance Links	<ul style="list-style-type: none"> • <i>Planning & Development (Local Planning Schemes) Regulations 2015</i> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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Delegation Register
Shire of Quairading

9.2.5 Delegation under the *Heritage Act 2018*

Delegator Power/Duty assigned in legislation	Responsible/Public Authority – Local Government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Heritage Act 2018</i> - c.20
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Heritage Act 2018</i> - Authority to exercise the relevant powers and duties delegated to local government
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	1. Provide the Heritage Council with assistance in carrying out the functions of the Heritage Council where requested (c.20)
Council Conditions on this Delegation	Nil
Express Power to Subdelegate	Nil
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Manager, Health & Building • Executive Manager, Building & Works
CEO Conditions on this Subdelegation	<ul style="list-style-type: none"> • Conditions on the original delegation also apply to Subdelegations.
Compliance Links	<ul style="list-style-type: none"> • <i>Heritage Act 2018</i>
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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Delegation Register
Shire of Quairading

9.2.6 Delegation under the *Strata Titles Act 1985*

Delegator Power/Duty assigned in legislation	Responsible Authority – Local Government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Planning & Development Act 2005</i> • <i>Strata Titles Act 1985</i> <ul style="list-style-type: none"> - ss.15, 21, 22 and 24 - DEL 2020/01 – Powers of Local Government
Express Power or Duty Delegated	Authority to exercise the relevant powers and duties delegated by the <i>Planning and Development Act 2005</i> , the <i>Strata Titles Act 1985</i> and relevant delegation instrument.
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. The local government may make a preliminary determination that the plans and specifications are of sufficient standard to be brought under the <i>Strata Titles Act 1985</i> as a building in a strata scheme (c.24). 2. Power to determine applications for the issuing of a certificate of approval for a plan of subdivision, re-subdivision or consolidation, except those applications that: <ol style="list-style-type: none"> a. propose the creation of a vacant lot; b. propose vacant air stratas in multi-tiered strata scheme developments; c. in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to: d. a type of development; and/or e. land within an area, which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application (c.24). 3. Determine applications under ss. 21 and 22 of the <i>Strata Titles Act 1985</i> in accordance with DEL2020/01.
Council Conditions on this Delegation	Nil
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Manager, Health & Building • Executive Manager, Building & Works
CEO Conditions on this Subdelegation	<ol style="list-style-type: none"> 1. Conditions on the original delegation also apply to the subdelegations. 2. A local government that exercises the power referred to in c.1 and/or c.2 of DEL2020/01 is to provide the WAPC with data on all applications determined under this Instrument of Delegation at the conclusion of each financial year in the format prescribed by the WAPC. 3. The termination process provided for under ss.177 and 184 of the <i>Strata Titles Act 1985</i> involves a subdivision application under the <i>Planning and Development Act 2005</i>. All such applications, including built strata, are not to be processed by local government. 4. Applications that result in the addition or removal of land from a strata scheme (type 1A or type 2 amendments) to be determined by the WAPC.
Compliance Links	<ul style="list-style-type: none"> • <i>Strata Titles Act 1985</i> <ul style="list-style-type: none"> - ss .15, 21 and 22 - DEL 2020/01 - Powers of Local Government • <i>Planning and Development Act 2005</i>

Delegation Register

Shire of Quairading

Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.
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Delegation Register
Shire of Quairading

9.2.7 Delegation under the *Liquor Control Act 1988*

Delegator Power/Duty assigned in legislation	Planning Authority
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.9.49A(4) authorisation to sign documents on behalf of the Shire
Express Power or Duty Delegated	<ul style="list-style-type: none"> • <i>Liquor Control Act 1988</i> <ul style="list-style-type: none"> - s.40 Certificate of planning authority as to whether use of premises complies with planning laws
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	1. Issue, or refuse to issue, conditional or unconditional certificate pursuant to s.40 of the Liquor Control Act 1998.
Council Conditions on this Delegation	Nil
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate powers and duties to other employees
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Manager, Health & Building
CEO Conditions on this Subdelegation	<ul style="list-style-type: none"> • Conditions on the original delegation also apply to the Subdelegations.
Compliance Links	<ul style="list-style-type: none"> • <i>Liquor Control Act 1988</i> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.9.49A(4) authorisation to sign documents on behalf of the Shire - s.5.44 CEO may delegate powers and duties to other employees
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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9.2.8 Delegation to Respond to External Organisations

Delegator Power/Duty assigned in legislation	Local Government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> • <i>Planning & Development Act 2005</i> <ul style="list-style-type: none"> - Part 10, c.142, Part 17 (as amended 2020) • <i>State Administrative Tribunal Act</i> <ul style="list-style-type: none"> - s.31 • <i>Planning and Development (Development Assessment Panels) Regulations 2011</i> • <i>Swan & Canning Rivers Management Act 2006</i> • WAPC Ref: <ul style="list-style-type: none"> - DEL2009/02 – Department of Treasury and Finance - DEL2011/04 – Swan River Trust - DEL2017/03 – Housing Authority - DEL2020/02 – Delegations to Officers (Part 17A of the <i>Planning and Development Act 2005</i>)
Express Power or Duty Delegated	1. Authority to exercise the relevant powers and duties in accordance with all the relevant legislation and delegation instruments listed under 'express power to delegate' header of this table.
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> 1. Authority to make recommendations to: 2. The State Administrative Tribunal on applications for review of planning decisions including performing all functions associated with applications for review to the State Administrative Tribunal and preparing responses and representing Council. 3. The Department of Biodiversity, Conservation and Attractions on planning applications made under the Swan and Canning Rivers Management Act 2006. 4. Any public agency on issues requiring or inviting comment from the Shire with regard to local, metropolitan, regional and/or strategic planning matters. 5. Provide a report of recommendation to the WAPC on planning applications submitted in accordance with the Planning and Development (Development Assessment Panels) Regulations 2011. 6. Respond to the Department of Treasury and finance for development application referrals. 7. Provide a report of recommendation to the WAPC on significant development applications where the WAPC is the determining authority. 8. Exercise discretion, determine and apply conditions to all applications made under regulation 17A of the Planning and Development 9. (Development Assessment Panels) Regulations 2011 to amend or cancel a development approval made by a Development Assessment Panel.
Council Conditions on this Delegation	Nil
Express Power to Subdelegate	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> <ul style="list-style-type: none"> - s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> • Manager, Health & Building • Executive Manager, Works & Services

Delegation Register
Shire of Quairading

CEO Conditions on this Subdelegation	<ol style="list-style-type: none"> 1. Conditions on the original delegation also apply to the Subdelegations. 2. Consideration of referrals under section 31 of the <i>State Administrative Tribunal Act 2004</i> where Council has determined the application. 3. JDAP applications are to be referred to Council for their comment after the submission of the Responsible Authority Report. 4. Significant development applications are to be referred to Council for their comment after the submission to WAPC.
Compliance Links	<ul style="list-style-type: none"> • <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> • <i>State Administrative Tribunal Act 2004</i> • <i>Swan and Canning Rivers Management Act 2006</i> • <i>Planning and Development (Development Assessment Panels) Regulations 2011</i> • <i>Planning and Development Act 2005</i> • Department of Treasury: Resolutions and instruments of delegation
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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9.3 Local Development Plan

Delegator Power/Duty assigned in legislation	Responsible Authority – Local Government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> Local Planning Scheme No. 3 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> - Schedule 2, c.82
Express Power or Duty Delegated	<ul style="list-style-type: none"> Authority to exercise the relevant powers and duties under the Local Development Plans.
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> To prepare Local Development Plans, where appropriate. Determine the information provided with an application is satisfactory for the purposes of advertising in accordance with c.49 of the Deemed Provisions. Determine that a Local Development Plan does not require advertising in accordance with c.50(3) of the Deemed Provisions. Approve, modify or refuse a Local Development Plan in accordance with c.52 of the Deemed Provisions where there are no valid objections, or where valid objections have been resolved to the satisfaction of the Shire. To extend the period of approval for a Local Development Plan in accordance with c.57(3) of the Deemed Provisions. Determine that an amendment is of a minor nature and does not require advertising in accordance with c.59(4) of the Deemed Provisions.
Council Conditions on this Delegation	<ol style="list-style-type: none"> Local Government must not approve a Local Development Plan for reasons set out in c.52(1A) of the Deemed Provisions.
Express Power to Subdelegate	<ul style="list-style-type: none"> <i>Local Government Act 1995</i> - s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> Manager, Health & Building Executive Manager, Works & Services
CEO Conditions on this Subdelegation	<ol style="list-style-type: none"> Conditions on the original delegation also apply to the Subdelegations.
Compliance Links	<ul style="list-style-type: none"> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Local Planning Scheme No 3
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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Shire of Quairading

9.4 Structure Plans

Delegator Power/Duty assigned in legislation	Responsible Authority – Local Government
Express Power to Delegate Power that enables a delegation to be made	<ul style="list-style-type: none"> Local Planning Scheme No. 3 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
Express Power or Duty Delegated	Authority to exercise the relevant powers and duties under Part 4 of the Deemed Provisions (Structure Plans).
Delegate	Chief Executive Officer
Function Delegates must act with full understanding of legislation and conditions	<ol style="list-style-type: none"> To prepare a Structure Plan. Determine whether the information provided with an application is satisfactory for the purposes of assessment and advertising in accordance with clause 17 of the Deemed Provisions. Determine whether an amendment to a Structure Plan is of a minor nature and does require advertising in accordance with c.29 of the Deemed Provisions. Prepare and forward a report of the proposed Structure Plan to the WAPC in accordance with c.20 of the Deemed Provisions.
Council Conditions on this Delegation	<ol style="list-style-type: none"> Local Government must not approve a local development plan for reasons set out in c.52(1A) of the Deemed Provisions.
Express Power to Subdelegate	<ul style="list-style-type: none"> <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate/s Appointed by CEO	<ul style="list-style-type: none"> Manager, Health & Building
CEO Conditions on this Subdelegation	<ol style="list-style-type: none"> Conditions on the original delegation also apply to the Subdelegations.
Compliance Links	<ul style="list-style-type: none"> Local Planning Scheme No. 3 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
Record Keeping	All exercises of delegated authority to be record managed in F: Information Management System.

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10 Statutory Authorisations & Delegations to Local Government from State Government Entities

10.1 Environmental Protection Act 1986

10.1.1 Noise Control: Environmental Protection Notices [Regulation 65(1)]

Published by:
Environment

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

EV401

ENVIRONMENTAL PROTECTION ACT 1986

Section 20

Delegation No. 52

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

Powers and duties delegated—

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

Persons to whom delegation made—

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

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

Dated this 9th day of January 2004.

Approved—

FERDINAND TROMP, A/Chief Executive Officer.

Dr JUDY EDWARDS MLA, Minister for the Environment.

10.1.2 Noise Management Plans: Keeping Log Books, Noise Control Notices, Calibration & Approval of Non-complying Events

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Environment

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

EV402

ENVIRONMENTAL PROTECTION ACT 1986

Delegation No. 112

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

- (a) waste collection and other works--noise management plans relating to specified works under regulation 14A or 14B;
- (b) bellringing or amplified calls to worship--the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi);
- (c) community activities--noise control notices in respect of community noise under regulation 16;
- (d) motor sport venues--noise management plans in relation to motor sport venues under Part 2 Division 3;
- (e) shooting venues--noise management plans in relation to shooting venues under Part 2 Division 4;
- (f) calibration results--requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;
- (g) sporting, cultural and entertainment events--approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation--
 - (i) Subregulation 18(13)(b) is not delegated.

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

Dated the 12th day of December 2013.

JASON BANKS, Acting Chief Executive Officer.

Approved by--

JOHN DAY, Acting Minister for Environment; Heritage.

10.1.3 Noise Management Plans: Construction Sites

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Environment

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No. 71. 16-May-2014
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EV405

ENVIRONMENTAL PROTECTION ACT 1986

Delegation No. 119

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

(a) Chief Executive Officer under the *Local Government Act 1995*; and

(b) to any employee of the local government under the *Local Government Act 1995* who is appointed as an Authorised Person under section 87 of the Act,

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

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

Dated the 1st day of May 2014.

JASON BANKS, Acting Chief Executive Officer.

10.2 *Planning and Development Act 2005*

10.2.1 **Instrument of Authorisation: Local Government CEO's Sign Development Applications for Crown Land as Owner**

DoL FILE 1738/2002v8; 858/2001v9

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF AUTHORISATION

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

Dated the 2nd day of June 2016



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

SCHEDULE

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

Column 1	Column 2	Column 3
<p>The power to sign as owner in respect of Crown land that is:</p> <ul style="list-style-type: none"> a reserve managed by the local government pursuant to section 46 of the <i>Land Administration Act 1997</i> and the development is consistent with the reserve purpose and the development is not for a commercial purpose; or the land is a road of which the local government has the care, control and management under section 55(2) of the <i>Land Administration Act 1997</i> and where there is no balcony or other structure proposed to be constructed over that road unless that structure comes within the definition of a "minor encroachment" in the Building Regulations 2012 (Regulation 45A), or is an "awning, verandah or thing" (Regulation 45B), or is a ground anchor, and where the development is consistent with the use of the land as a road, <p>in respect of development applications being made under or referred to in:</p> <p>(i) section 99(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);</p> <p>(ii) section 103(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a local interim development order (as that term is defined in that Act);</p> <p>(iii) section 115 of the <i>Planning and Development Act 2005</i> in respect of development within a planning control area (as that term is defined in that Act);</p> <p>(iv) section 122A of the <i>Planning and Development Act 2005</i> in respect of which approval is required under an improvement scheme (as that term is defined in that Act);</p> <p>(v) section 162 of the <i>Planning and Development Act 2005</i> in respect of developments for which approval is required under a planning scheme or interim development order (as those terms are defined in that Act);</p> <p>(vi) section 163 of the <i>Planning and Development Act 2005</i> in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the <i>Heritage of Western Australia Act 1990</i>, or of which such a place forms part;</p> <p>(vii) section 171A of the <i>Planning and Development Act 2005</i> in respect of a prescribed development application (as that term is defined in that section of that Act).</p>	<p>City of Albany City of Armadale Shire of Ashburton Shire of Augusta-Margaret River Town of Bassendean City of Bayswater City of Belmont Shire of Beverley Shire of Boddington Shire of Boyup Brook Shire of Bridgetown-Greenbushes Shire of Brookton Shire of Broome Shire of Broomehill-Tambellup Shire of Bruce Rock City of Bunbury Shire of Bussellton Town of Cambridge City of Canning Shire of Capel Shire of Carnamah Shire of Carnarvon Shire of Chapman Valley Shire of Chitterling Shire of Christmas Island Town of Claremont City of Cockburn Shire of Cocos (Keeling) Islands Shire of Collie Shire of Coolgardie Shire of Coorow Shire of Corrigin Town of Cottesloe Shire of Cranbrook Shire of Cuballing Shire of Cue Shire of Cunderdin Shire of Dalwallinu Shire of Dandaragan Shire of Dardanup Shire of Denmark Shire of Derby/West Kimberley Shire of Donnybrook-Balingup Shire of Dowerin Shire of Dumbleyung Shire of Dundas Town of East Fremantle Shire of East Pilbara Shire of Esperance Shire of Exmouth City of Fremantle City of Greater Geraldton</p> <p>Shire of Gingin Shire of Gnowangerup Shire of Goomalling City of Gosnells Shire of Halls Creek Shire of Harvey Shire of Inwin Shire of Jerramungup City of Joondalup City of Kalamunda City of Kalgoorlie-Boulder Shire of Katanning Shire of Kellerberrin Shire of Kent Shire of Kojoonup Shire of Kondinin Shire of Koorda Shire of Kulin City of Kwinana Shire of Lake Grace Shire of Laverton Shire of Leonora City of Mandurah Shire of Manjimup Shire of Meekatharra City of Meville Shire of Menzies Shire of Merredin Shire of Mingenew Shire of Moora Shire of Morawa Town of Mosman Park Shire of Mount Magnet Shire of Mt Marshall Shire of Mukinbudin Shire of Mundaring Shire of Murchison Shire of Murray</p>	<p>In accordance with and subject to approved Government Land policies.</p> <p>Any signature subject to the following endorsement: Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the <i>Planning and Development Act 2005</i> (including any planning scheme). The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.</p>

Shire of Nannup
Shire of Narembeen
Shire of Narrogin
Town of Narrogin
City of Nedlands
Shire of Ngaanyatjaraku
Shire of Northam
Shire of Northampton
Shire of Nungarin
Shire of Peppermint Grove
Shire of Perenjori
City of Perth
Shire of Pingelly
Shire of Plantagenet
Town of Port Hedland
Shire of Quairading
Shire of Ravensthorpe
City of Rockingham
Shire of Roeboome
Shire of Sandstone
Shire of Serpentine Jarrahdale
Shire of Shark Bay
City of South Perth
City of Stirling
City of Subiaco
City of Swan

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



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

2nd day of *June* 2016

10.2.2 WA Planning Commission: Powers of Local Governments: S.15 of *Strata Titles Act 1985* (Del.2020/01)

822

GOVERNMENT GAZETTE, WA

27 March 2020

PL402

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

Del 2020/01 Powers of Local Governments

Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to certain applications under the *Strata Titles Act 1985*

Preamble

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

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

Resolution under section 16 of the Act (delegation)

On 20 January 2021, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the *Strata Titles Act 1985* as set out in clause 1 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;
- B. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under sections 21 and 22 of the *Strata Titles Act 1985* as set out in clause 2 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;
- C. TO AMEND “Del 2020/01—Powers of Local Governments” to give effect to its resolution and to publish an updated, consolidated instrument.

SAM FAGAN, Western Australian Planning Commission.

Schedule 1

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

Power to determine applications under section 15 of the *Strata Titles Act 1985*, except those applications that—

- (a) propose the creation of a vacant lot;
- (b) propose vacant air stratas in multi-tiered strata scheme developments;
- (c) propose the creation or postponement of a leasehold scheme;
- (d) propose a type 1 (a) subdivision or a type 2 subdivision (as defined in section 3 of the *Strata Titles Act 1985*);
- (e) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to—
 - i. a type of development; and/or
 - ii. land within an area,

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

2. Applications under sections 21 and 22 of the *Strata Titles Act 1985*

Power to determine applications under—

- (a) section 21 of the *Strata Titles Act 1985*;
- (b) section 22 of the *Strata Titles Act 1985* where the amendment or repeal of scheme by-laws requires the approval of the WAPC.

3. Reporting requirements

A local government that exercises the powers referred to in clause 1 and/or clause 2, is to provide the WAPC with data on all applications determined under this Instrument of Delegation. This must be provided at the conclusion of each financial year in the format prescribed by the WAPC.

10.3 Main Roads Act 1930**10.3.1 Traffic Management: Events on Roads**

A list of local governments authorised for Traffic Management for Events can be found on the Main Roads WA website [here](#)

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

RELATING TO
TRAFFIC MANAGEMENT FOR EVENTS

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

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

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

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

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

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

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

Dated:

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

Signature of Witness

Name of Witness (please print)

ACKNOWLEDGMENT BY AUTHORISED BODY

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

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

Signature of Chief Executive Officer

Signature of Witness

Name of Witness (please print)

10.3.2 Traffic Management: Road Works

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

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

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

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

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

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

Dated:

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

Signature of Witness

Name of Witness

ACKNOWLEDGMENT BY AUTHORISED BODY

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

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

Chief Executive Officer

Witness

10.4 Road Traffic (Vehicles) Act 2012**10.4.1 Approval for Certain Local Government Vehicles as Special Use Vehicles**

Government of Western Australia
Department of Transport
Driver and Vehicle Services

ROAD TRAFFIC (VEHICLES) ACT 2012

Road Traffic (Vehicles) Regulations 2014

RTVR-2017-202046

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

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

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

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

CONDITIONS

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

Document Approval			
Document Development Officer:		Document Owner:	
Chief Executive Officer (CEO)		Chief Executive Officer (CEO)	
Document Control			
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