



Register of Delegations, Sub Delegations,
Authorisations and Appointments
2021 - 2022

As reviewed and adopted at the Ordinary Meeting of Council
held on 16 March 2022

Table of Contents

Contents

Introduction.....	12
Delegations by Council and Sub Delegations by CEO.....	17
1. Local Government Act 1995	17
Local Government Act 1995	17
Delegation 1.1 Performing Functions Outside the District.....	17
Local Government Act 1995	18
Delegation 1.2 Compensation for Damage Incurred when Performing Executive Functions	18
Local Government Act 1995	19
Delegation 1.3 Appointment of authorised persons	19
Local Government Act 1995	20
Delegation 1.4 Powers of Entry	20
Local Government Act 1995	21
Sub Delegation 1.4a Powers of Entry - Sub Delegation.....	21
Local Government Act 1995	22
Delegation 1.5 Declare Abandoned Vehicle Wreck	22
Local Government Act 1995	23
Sub Delegation 1.5a Declare Abandoned Vehicle Wreck.....	23
Local Government Act 1995	24
Delegation 1.6 Confiscated or Uncollected Goods	24
Local Government Act 1995	25
Sub Delegation 1.6a Confiscated or Uncollected Goods.....	25
Local Government Act 1995	26
Delegation 1.7 Disposal of Sick or Injured Animals	26
Local Government Act 1995	27
Sub Delegation 1.7a Disposal of Sick or Injured Animals	27
Local Government Act 1995	28
Delegation 1.8 Close Thoroughfares to Vehicles	28
Local Government Act 1995	29
Sub Delegation 1.8a Close Thoroughfares to Vehicles.....	29
Local Government Act 1995	30
Delegation 1.9 Control Reserves and Certain Unvested Facilities.....	30
Local Government Act 1995	31
Sub Delegation 1.9a Control Reserves and Certain Unvested Facilities	31
Local Government Act 1995	32
Delegation 1.10 Expressions of Interest for Goods and Services	32
Local Government Act 1995	33

Sub Delegation 1.10a	Expressions of Interest for Goods and Services	33
	Local Government Act 1995	34
Delegation 1.11	Tenders for Goods and Services	34
	Local Government Act 1995	36
Sub Delegation 1.11a	Tenders for Goods and Services.....	36
	Local Government Act 1995	38
Delegation 1.12	Panels of Pre-Qualified Suppliers for Goods and Services	38
	Local Government Act 1995	40
Sub Delegation 1.12a	Panels of Pre-Qualified Suppliers for Goods and Services.....	40
	Local Government Act 1995	42
Delegation 1.13	Application of Regional Price Preference Policy.....	42
	Local Government Act 1995	43
Sub Delegation 1.13a	Application of Regional Price Preference Policy	43
	Local Government Act 1995	44
Delegation 1.14	Disposing of Property	44
	Local Government Act 1995	46
Sub Delegation 1.14a	Disposing of Property.....	46
	Local Government Act 1995	48
Delegation 1.15	Making Payments from Municipal and Trust Funds.....	48
	Local Government Act 1995	50
Sub Delegation 1.15a	Making Payments from Municipal and Trust Funds	50
	Local Government Act 1995	52
Delegation 1.16	Appointment of Acting CEO.....	52
	Local Government Act 1995	53
Delegation 1.17	Nominate Designated Employees	53
	Local Government Act 1995	54
Delegation 1.18	Defer, Grant Discounts, Waive or Write Off Debts, Donations	54
	Local Government Act 1995	56
Sub Delegation 1.18a	Defer, Grant Discounts, Waive or Write Off Debts, Donations	56
	Local Government Act 1995	58
Delegation 1.19	Power to Invest and Manage Investments.....	58
	Local Government Act 1995	59
Sub Delegation 1.19a	Power to Invest and Manage Investments	59
	Local Government Act 1995	60
Delegation 1.20	Rate Record Amendment	60
	Local Government Act 1995	61
Sub Delegation 1.20a	Rate Record Amendment.....	61
	Local Government Act 1995	62
Delegation 1.21	Agreement as to Payment of Rates and Service Charges.....	62

Local Government Act 1995	63
Sub Delegation 1.21a Agreement as to Payment of Rates and Service Charges	63
Local Government Act 1995	64
Delegation 1.22 Determine Due Date for Rates or Service Charges.....	64
Local Government Act 1995	65
Sub Delegation 1.22a Determine Due Date for Rates or Service Charges	65
Local Government Act 1995	66
Delegation 1.23 Recovery of Rates or Service Charges	66
Local Government Act 1995	67
Sub Delegation 1.23a Recovery of Rates or Service Charges	67
Local Government Act 1995	68
Delegation 1.24 Recovery of Rates Debts - Actions to Take Possession of the Land	68
Local Government Act 1995	69
Sub Delegation 1.24a Recovery of Rates Debts - Actions to Take Possession of the Land.....	69
Local Government Act 1995	70
Delegation 1.25 Rate Record – Objections	70
Local Government Act 1995	71
Sub Delegation 1.25a Rate Record – Objections.....	71
Local Government Act 1995	72
Delegation 1.26 Obstruction of Footpaths and Thoroughfares.....	72
Local Government Act 1995	74
Sub Delegation 1.26a Obstruction of Footpaths and Thoroughfares	74
Local Government Act 1995	76
Delegation 1.27 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare	76
Local Government Act 1995	77
Sub Delegation 1.27a Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare	77
Local Government Act 1995	78
Delegation 1.28 Gates Across Public Thoroughfares.....	78
Local Government Act 1995	79
Sub Delegation 1.28a Gates Across Public Thoroughfares	79
Local Government Act 1995	80
Delegation 1.29 Public Thoroughfare – Dangerous Excavations	80
Local Government Act 1995	82
Sub Delegation 1.29a Public Thoroughfare – Dangerous Excavations.....	82
Local Government Act 1995	84
Delegation 1.30 Crossing – Construction, Repair and Removal.....	84
Local Government Act 1995	85
Sub Delegation 1.30a Crossing – Construction, Repair and Removal	85

Local Government Act 1995	86
Delegation 1.31 Private Works on, over or under Public Places.....	86
Local Government Act 1995	87
Sub Delegation 1.31a Private Works on, over or under Public Places	87
Local Government Act 1995	88
Delegation 1.32 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift	88
Local Government Act 1995	89
Sub Delegation 1.32a Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift	89
Local Government Act 1995	90
Delegation 1.33 Local laws made under Local Government Act 1995	90
Local Government Act 1995	91
Delegation 1.33a Local laws made under Local Government Act 1995	91
2. Building Act 2011	92
Building Act 2011.....	92
Delegation 2.1 Grant a Building Permit	92
Building Act 2011.....	93
Delegation 2.1a Grant a Building Permit	93
Building Act 2011.....	94
Delegation 2.2 Demolition Permits.....	94
Building Act 2011.....	95
Sub Delegation 2.2a Demolition Permits	95
Building Act 2011.....	96
Delegation 2.3 Occupancy Permits or Building Approval Certificates	96
Building Act 2011.....	97
Sub Delegation 2.3a Occupancy Permits or Building Approval Certificates.....	97
Building Act 2011.....	98
Delegation 2.4 Designate Employees as Authorised Persons.....	98
Building Act 2011.....	99
Delegation 2.5 Building Orders	99
Building Act 2011.....	100
Sub Delegation 2.5a Building Orders.....	100
Building Act 2011.....	101
Delegation 2.6 Inspection and Copies of Building Records	101
Building Act 2011.....	102
Sub Delegation 2.6a Inspection and Copies of Building Records	102
Building Act 2011.....	103
Delegation 2.7 Referrals and Issuing Certificates	103

Building Act 2011.....	104
Sub Delegation 2.7a Referrals and Issuing Certificates.....	104
Building Act 2011.....	105
Delegation 2.8 Private Pool Barrier – Alternative and Performance Solutions.....	105
Building Act 2011.....	106
Sub Delegation 2.8a Private Pool Barrier – Alternative and Performance Solutions.....	106
Building Act 2011.....	107
Delegation 2.9 Smoke Alarms – Alternative Solutions	107
Building Act 2011.....	108
Sub Delegation 2.9a Smoke Alarms – Alternative Solutions	108
3. Bush Fires Act 1954.....	109
Bush Fires Act 1954	109
Delegation 3.1 Make Request to DFES Commissioner – Control of Fire	109
Bush Fires Act 1954	110
Delegation 3.2 Prohibited Burning Times - Vary.....	110
Bush Fires Act 1954	111
Delegation 3.3 Prohibited Burning Times – Control Activities.....	111
Bush Fires Act 1954	113
Delegation 3.4 Prohibited Restricted Burning Times – Vary and Control Activities.....	113
Bush Fires Act 1954	115
Delegation 3.5 Control of Operations Likely to Create Bush Fire Danger	115
Bush Fires Act 1954	116
Delegation 3.6 Burning Garden Refuse / Open Air Fires	116
Bush Fires Act 1954	118
Delegation 3.7 Firebreaks.....	118
Bush Fires Act 1954	119
Delegation 3.8 Appoint Bush Fire Control Officer/s and Fire Weather Officer	119
Bush Fires Act 1954	120
Delegation 3.9 Control and Extinguishment of Bush Fires	120
Bush Fires Act 1954	121
Delegation 3.10 Apply for Declaration as an Approved Area	121
Bush Fires Act 1954	122
Delegation 3.11 Recovery of Expenses Incurred through Contraventions of this Act.....	122
Bush Fires Act 1954	123
Delegation 3.12 Recovery of Expenses Incurred through Contraventions of this Act.....	123
Bush Fires Act 1954	124
Delegation 3.13 Local Laws made under Bush Fires Act 1954.....	124
4. Cat Act 2011.....	125
Cat Act 2011	125

Delegation 4.1	Cat Registrations.....	125
	Cat Act 2011	126
Delegation 4.1a	Cat Registrations.....	126
	Cat Act 2011	127
Delegation 4.2	Cat Control Notices.....	127
	Cat Act 2011	128
Delegation 4.2a	Cat Control Notices.....	128
	Cat Act 2011	129
Delegation 4.3	Approval to Breed Cats.....	129
	Cat Act 2011	130
Delegation 4.3a	Approval to Breed Cats.....	130
	Cat Act 2011	131
Delegation 4.4	Appoint Authorised Persons.....	131
	Cat Act 2011	132
Delegation 4.5	Applications to Keep Additional Cats	132
	Cat Act 2011	133
Delegation 4.5a	Applications to Keep Additional Cats	133
	Cat Act 2011	134
Delegation 4.6	Local Laws made under the Cat Act 2011	134
	Cat Act 2011	135
Delegation 4.6a	Local Laws made under the Cat Act 2011	135
5.	Dog Act 1976	136
	Dog Act 1976	136
Delegation 5.1	Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons	136
	Dog Act 1976	137
Delegation 5.1a	Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons	137
	Dog Act 1976	138
Delegation 5.2	Refuse or Cancel Registration.....	138
	Dog Act 1976	140
Delegation 5.2a	Refuse or Cancel Registration.....	140
	Dog Act 1976	142
Delegation 5.3	Authorised Persons.....	142
	Dog Act 1976	143
Delegation 5.4	Recovery of Moneys Due Under this Act.....	143
	Dog Act 1976	144
Delegation 5.5	Dispose of or Sell Dogs Liable to be Destroyed	144
	Dog Act 1976	145
Delegation 5.5a	Dispose of or Sell Dogs Liable to be Destroyed	145
	Dog Act 1976	146

Delegation 5.6	Local Laws made under the Dog Act 1976	146
	Dog Act 1976	147
Delegation 5.6a	Local Laws made under the Dog Act 1976	147
	Dog Act 1976	148
Delegation 5.7	Authority to exercise any of the local government's powers or duties under the Dog Act 1976, Regulations, and the Dog Local Law	148
	Dog Act 1976	149
Sub Delegation 5.7a	Authority to exercise any of the local government's powers or duties under the Dog Act 1976, Regulations, and the Dog Local Law.....	149
6.	Food Act 2008.....	150
	Food Act 2008.....	150
Delegation 6.1	Determine Compensation	150
	Food Act 2008.....	151
Delegation 6.2	Prohibition Orders	151
	Food Act 2008.....	152
Delegation 6.3	Food Business Registrations	152
	Food Act 2008.....	153
Delegation 6.4	Appoint Authorised Officers and Designated Officers	153
	Food Act 2008.....	154
Delegation 6.5	Debt Recovery and Prosecutions.....	154
	Food Act 2008.....	155
Delegation 6.6	Food Businesses List – Public Access	155
7.	Graffiti Vandalism Act 2016	156
	Graffiti Vandalism Act 2016.....	156
Delegation 7.1	Give Notice Requiring Obliteration of Graffiti.....	156
	Graffiti Vandalism Act 2016.....	157
Sub Delegation 7.1a	Give Notice Requiring Obliteration of Graffiti	157
	Graffiti Vandalism Act 2016.....	158
Delegation 7.2	Notices – Deal with Objections and Give Effect to Notices.....	158
	Graffiti Vandalism Act 2016.....	159
Delegation 7.3	Obliterate Graffiti on Private Property.....	159
	Graffiti Vandalism Act 2016.....	160
Sub Delegation 7.3a	Obliterate Graffiti on Private Property	160
	Graffiti Vandalism Act 2016.....	161
Delegation 7.4	Powers of Entry	161
	Graffiti Vandalism Act 2016.....	162
Sub Delegation 7.4a	Powers of Entry	162
8.	Planning and Development Act 2005.....	163
	Planning and Development Act 2005	163

Delegation 8.1	General Delegations	163
	Planning and Development Act 2005	164
Sub Delegation 8.1a	General Sub Delegations	164
	Planning and Development Act 2005	165
Delegation 8.2	Unauthorised or Non – complying Development – Directions and Offences	165
	Planning and Development Act 2005	166
Sub Delegation 8.2a	Unauthorised or Non – complying Development – Directions and Offences	166
9.	Public Health Act 2015.....	167
	Public Health Act 2015	167
Delegation 9.1	Appoint Authorised Officer or Approved Officer (Asbestos Regs).....	167
	Public Health Act 2015	168
Delegation 9.2	Enforcement Agency Reports to the Chief Health Officer	168
	Public Health Act 2015	169
Delegation 9.3	Designate Authorised Officers.....	169
	Public Health Act 2015	170
Delegation 9.4	Determine Compensation for Seized Items	170
	Public Health Act 2015	171
Delegation 9.5	Commence Proceedings	171
10.	Delegations by CEO.....	172
	Local Government Act 1995	172
Delegation 10.1	Electoral Enrolment Eligibility Claims and Electoral Roll.....	172
	Local Government Act 1995	174
Delegation 10.2	Destruction of Electoral Papers	174
	Local Government Act 1995	175
Delegation 10.3	Destruction of Electoral Papers	175
	Local Government Act 1995	176
Delegation 10.4	Financial Management Systems and Procedures.....	176
	Cat Act 2011	177
Delegation 10.5	Infringement Notices – Extensions and Withdrawals	177
11.	Authorisations.....	178
	Australian Citizenship Act 2017.....	178
Appointment 11.1	Authorised Persons.....	178
	Building Act 2011.....	179
Appointment 11.2	Authorised Persons.....	179
	Caravan Parks and Camping Grounds Act 1995	180
Authorisation 11.3	Authorised Persons	180
	Caravan Parks and Camping Grounds Act 1995	181
Authorisation 11.4	Authorised Persons - Infringement Notice.....	181
	Caravan Parks and Camping Grounds Act 1995	182

Authorisation 11.5	Authorised Persons - Infringement Notice.....	182
Cat Act 2011	183
Authorisation 11.6	Authorised Persons	183
Control of Vehicles (Off Road Areas) Act 1978.....		184
Authorisation 11.7	Authorised Persons	184
Dog Act 1976		185
Authorisation 11.8	Authorised Persons, Registration Officers and Enforcement Proceedings.....	185
Environmental Protection Act 1986		187
Authorisation 11.9	Referral of Proposals – Environmental Protection Act 1986	187
Environmental Protection Act 1986		188
Authorisation 11.10	Authorisations	188
Food Act 2008.....		189
Authorisation 11.11	Authorised Persons	189
Gaming and Wagering Commission Act 1987		190
Authorisation 11.12	Authorised Persons	190
Graffiti Vandalism Act 2016.....		191
Authorisation 11.13	Authorised Persons	191
Liquor Control Act 1988.....		192
Authorisation 11.14	Issue Certificates, removal of Licences, Application for Extended Trading Permits	192
Litter Act 1979		193
Authorisation 11.15	Authorised Officers, Withdrawal of Infringement Notices	193
Local Government Act 1995		194
Authorisation 11.16	Authorised Persons - Public Statements on behalf of the local government	194
Local Government Act 1995		195
Authorisation 11.17	Authorised Person – s5.120 Complaints	195
Local Government Act 1995		196
Authorisation 11.18	Authorised Person – s5.120 Complaints	196
Local Government Act 1995		197
Authorisation 11.19	Authorised Persons - Legal Proceedings, Infringements and Enforcements .	197
Planning and Development Act 2005		199
Authorisation 11.20	Authorised, Designated Persons - Infringement Notices	199
Public Health Act 2016		200
Authorisation 11.21	Authorised Officers	200
Public Health Act 2015		201
Authorisation 11.22	Appoint Authorised Officer or Approved Officer (Asbestos Regs).....	201
12. Appointments		202
Bush Fires Act 1954		202
Appointment 12.1	Bush Fire Control Officers.....	202
Criminal Code 2013		203

Appointment 12.2	Person in control of Local Government Property	203
	Equal Opportunity Act 1984	204
Appointment 12.3	Equal Employment Opportunity Management Plans	204
	Local Government Act 1995	205
Appointment 12.4	Review Officer and Determination Officer – Rates and Charges (Rebates and Deferments) Regulation Act 1992	205
	Public Interest Disclosure Act 2003	206
Appointment 12.5	Public Interest Disclosures	206
	Freedom of Information Act 1992	207
Appointment 12.6	Information Coordinator and Principal Decision Maker	207
13.	Authorisations and Delegations - State Government to Local Government	208
	Environmental Protection Act and Regulations	208
Authorisation 13.1	Noise Control – Environmental Protection Notices [Reg.65(1)]	208
	Environmental Protection Act and Regulations	209
Authorisation 13.2	Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events.....	209
	Environmental Protection Act and Regulations	210
Authorisation 13.3	Noise Management Plans – Construction Sites	210
	Planning and Development Act 2005	211
Authorisation 13.4	Instrument of Authorisation - Sign Development Applications for Crown Land as Owner	211
	Strata Titles Act 1985	214
Authorisation 13.5	Section 25	214
	Main Roads Act 1930.....	215
Authorisation 13.6	Traffic Management - Events on Roads	215
	Main Roads Act 1930.....	217
Authorisation 13.7	Traffic Management – Road Works.....	217
	Road Traffic (Vehicles) Act 2012.....	219
Authorisation 13.8	Approval for Certain Local Government Vehicles as Special Use Vehicles	219

Introduction

FORMAT OF REGISTER

This Register includes:

- Delegations from the Council to the Chief Executive Officer, and where appropriate to other employees or other persons; and
- Sub delegations from the Chief Executive Officer to other employees
- Authorisations made by the Council or the CEO
- Appointments made by the Council or the CEO, or as of right by virtue of legislation

The Register includes the relevant delegation decision followed by a sub delegation decision (where relevant).

The Register includes instruments of sub delegation, authorisation and appointment by the CEO, which do not need to be adopted/approved by Council. They are included to reflect a “one stop shop” approach.

As a matter of principle throughout the Register, the Chief Executive Officer is the only employee authorised by the Shire of Moora to commence (or authorise the commencement of) legal proceedings.

TERMINOLOGY AND ACRONYMS

Clause – of the Shire of Moora Local Planning Scheme No 4 referenced by ‘cl’, as in cl8.2.1.

Employee – refers to an employee of the Shire of Moora. It should be noted although the Chief Executive Officer may generally only delegate a function or duty to an employee (S5.44 Local Government Act 1995 and others), any ‘person’ may be appointed an Authorised Person (although some Acts, such as the Building Act 2011 and Health Act 1911 require only employees or certain qualified employees to be ‘authorised’ or ‘appointed’). Thus, care needs to be taken to ensure that contractors are not ‘delegated’ functions or duties, although they may be appointed as Authorised Persons.

Regulation – subordinate legislation, referenced by ‘r’, as in r22.

Schedule – to an Act, referenced as ‘Sch’, as in Sch 3.2.

Section - of an Act, referenced by ‘s’, as in s5.42.

Sub delegation – the terms ‘sub delegate’ and ‘sub delegation’ are used as a style preference, rather than ‘on delegate’ or ‘on delegation’.

DELEGATIONS AND SUB DELEGATIONS

The application of delegated authority is intended to improve the efficiency, effectiveness and timeliness of decision making and is consistent with the Shire’s Strategic Community Plan and commitment to a strong customer service focus.

The use of delegated and sub delegated authority does not ‘undermine’ the roles and responsibilities of elected members constituting the Council as the peak local decision-making body of the community. Rather it should free up the Council from some matters to better able to deal with high level strategic matters and in the knowledge that decision making on the former will be made by employees consistent with Council Policy and precedents.

The Council (and the Chief Executive Officer in the case of most sub delegations) will only delegate matters where the relevant employees (or other persons) have the appropriate skills and expertise to implement the delegation/sub delegation or authorisation within the Shire’s decision-making frameworks. At the same time the exercise of all delegated and sub delegated authority, as well as authorisations is subject to complying with relevant Policies of the Shire, which are cross referenced within each Instrument.

An important safeguard is also the principle that nothing prevents the delegating body or person from taking back a delegation or sub delegation or making the relevant decision on an issue.

This Register describes:

- the ‘head of power’ for the exercise of delegation to an elected member, employee, Committee or person,
- the ‘head of power’ for sub delegation (where such authority exists under the relevant legislation),

- the precise authority being delegated, including any limits, restrictions or conditions,
- relevant Shire policies applicable to the execution of the delegation or sub delegation,
- the statutory requirements for the Council to review all delegations, and others to review sub delegations

In general, for all matters, whether made under the Local Government Act 1995, or otherwise, the requirement of the Local Government Act 1995 to review the Register at least once every financial year will be followed, except where delegations under other Acts have different requirements. Where there is no statutory requirement for review, the provisions of the Local Government Act will be applied to ensure uniformity of approach and outcome.

AUTHORISATIONS

This Register includes authorisations under the Local Government Act 1995 and other legislation. In some cases, authorisations are made by the Chief Executive Officer under delegated authority, in others, by the CEO, as of right and in some cases, authorisations are made by the Council itself because the relevant statute requires.

Some legislation provides for authorisation of Local Government officers to have powers as are necessary for them to perform their required duties as a specific function of the local government. These duties are carried out as 'acting through' functions under s5.45(2) of the Local Government Act 1995.

APPOINTMENTS

Consistent with the aim of providing a single resource, this Register includes appointments under various statutes, in some cases such appointments are "as of right" and in others the Council or the Chief Executive Officer has chosen not to make an appointment at the date of adoption of this Register.

LOCAL GOVERNMENT ACT 1995

The majority of delegations and sub delegations described in this Register originate under the Local Government Act 1995 which permits a local government (by absolute majority decision under s5.42(1)) 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 except those listed in s5.43, which are:

- any power or duty that requires a decision of an absolute majority or special 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 exceeding an amount determined by the local government,
- any of the local government's powers under s5.98, 5.98A, s5.99, s5.99A and s5.100 of the Act,
- borrowing money on behalf of the local government,
- hearing or determining an objection of a kind referred to in s9.5 of the Act,
- the power under s9.49A(4) of the Act to authorise a person to sign documents on behalf of the local government,
- any power or duty that requires the approval of the Minister or the Governor.

In addition, there are several other matters which cannot be delegated to the CEO:

- under r18G of the Local Government (Administration) Regulations s7.12a, 7.12A(3)(a) and s7.12(4), which relate to meetings with auditors,
- under r18C and 18D which relate to the recruitment and performance management of the Chief Executive Officer
- under r16 of the Local Government (Financial Management) Regulations which prevent the delegation of matters relating to internal audit to an employee who has been delegated the duty of maintaining the day to day accounts or financial management operations.

The delegation powers under the Local Government Act 1995 relate to the Act itself, Regulations made under the Act and Local Laws made under the Act.

OTHER LEGISLATION

Legislation other than the Local Government Act 1995, its Regulations and the Shire's Local Laws created under the Act where delegations, authorisations or appointments may occur (and which are relevant to the Shire of Moora) include:

- Animal Welfare Act 2002;
- Australian Citizenship Act 2007;
- Building Act 2011 and Building Regulations 2012
- Bush Fires Act 1954, regulations and local laws created under that Act;
- Cat Act 2011 and regulations;
- Caravan Parks and Camping Grounds Act 1995;
- Control of Vehicles (Off-Road Areas) Act 1978 and regulations;
- Dog Act 1976 and regulations;
- Equal Employment Opportunity Act 1984;
- Environmental Protection Act 1986;
- Food Act 2008;
- Freedom of Information Act 1992;
- Graffiti Vandalism Act 2016
- Health (Miscellaneous Provisions) Act 1911 regulations and local laws created under that Act;
- Health (Asbestos) Regulations 1992
- Land Administration Act 1997, and regulations;
- Litter Act 1979 and regulations;
- Local Government (Miscellaneous Provisions) Act 1960;
- Parks and Reserves Act 1895;
- Planning and Development Act 2005 including regulations, policies and the Local Planning Scheme;
- Public Interest Disclosure Act 2003
- Public Health Act 2016
- Rates and Charges (Rebates and Deferments) Act 1982;
- Road Traffic Act 1974;
- Strata Titles Act 1985

The Shire of Moora Local Planning Scheme No 4 permits delegation by Council to employees (rather than via the Chief Executive Officer as per the Local Government Act). Accordingly, the process defined by the Town Planning Scheme for delegating authority and duties is utilised.

SUB DELEGATION BY THE CHIEF EXECUTIVE OFFICER

The Local Government Act 1995 allows the Chief Executive Officer to delegate any of the powers delegated to the office of Chief Executive Officer to another employee (s5.44(1)), in writing (s5.44(2)) and may include conditions (s5.44(4)).

REVIEW OF DELEGATIONS

The Register of Delegations relevant to the Chief Executive Officer and other employees will be reviewed at least once every financial year (in accordance with the provisions of s5.46(1), (2)).

As a matter of principle, the Shire of Moora will review all delegations, authorisations and appointments at least once in every financial year, whether under the Local Government Act 1995, or another Act. This is despite the varying requirements for review viz:

- Building Act 2011 - no requirement
- Bush Fires Act 1954 - no requirement
- Cat Act 2011 - annual review requirement
- Dog Act 1976 - annual review requirement
- Food Act 2008 - no requirement
- Graffiti Vandalism Act 2016 - no requirement
- Public Health Act 2016 - no requirement
- Planning and Development Act 2005 - annual review requirement

This will include the Chief Executive Officer reviewing all sub delegations, authorisations and appointments made by him or her.

RECORD OF ACTIONS AND DECISIONS

If a person is exercising a power or duty that has been delegated (including sub delegated), the Local Government Act requires that records be kept whenever the delegated authority is utilised (s5.46(3)).

The record is to contain information on:

- how the person exercised the power or discharged the duty;
- when the person exercised the power or discharged the duty; and
- the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty (r19 Local Government (Administration) Regulations 1996)

Departments/Sections responsible for a work process are to ensure that data is captured, and records managed in accordance with all legislation, as well as preparing reports to Council where required under a specific delegation.

Similar provisions do not exist under other legislation regarding record keeping.

The CEO has determined that in relation to all record keeping of the exercise of delegated authority under legislation other than the Local Government Act 1995 that the provisions of the latter will apply and the same record keeping approach as required under the Local Government Act will be applied.

These requirements will be applied as an administrative instruction from the CEO.

PRIMARY/ANNUAL RETURNS AND GIFT DISCLOSURES

A person to whom a duty or power is delegated under the Local Government Act 1995 is a 'designated employee' under s5.74(b) of the Act and is required to:

- disclose relevant interests s5.70 LGA
- complete a Primary Return s5.75 LGA
- complete Annual Returns s5.76 LGA

Although these requirements relate only to delegations under the Local Government Act 1995 and not any other Acts, the Council and the CEO have taken the decision to require compliance with those provisions, even where made under other Acts, to ensure all employees are treated equally in such disclosures.

A delegation has prepared in this Register to give effect to this approach, with the CEO delegated authority to nominate employees as "designated employees".

ACTING THROUGH ANOTHER PERSON

The Local Government Act recognises that employees do not always need delegations (or sub delegations) to carry out their tasks and functions on behalf of the Shire. s5.45 (2) of the Act states:

Nothing in this Division (Division 4 - Local Government Employees) is to be read as preventing:

- a) a local government from performing any of its functions by acting through a person other than the Chief Executive Officer; or

- b) a Chief Executive Officer from performing any of his or her functions by acting through another person.

The key difference between a delegation and 'acting through' is that a delegate exercises the delegated decision-making function in his or her own right. Thus, an employee may pay an account or issue an approval if directed to do so by another employee who has the authority to make such a decision and chooses to 'act through' another employee.

The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the 'acting through' concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.

For further information, see Department of Local Government and Communities Guideline No 17 - Delegations.

Delegations by Council and Sub Delegations by CEO

1. Local Government Act 1995

Local Government Act 1995

Delegation 1.1 Performing Functions Outside the District

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	NO
POLICY REFERENCE:		SUB-DELEGATED TO:	

LEGAL (PARENT): <i>Local Government Act 1995:</i> s.3.20(1) Performing functions outside district	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42</i>
Conditions	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 functions does not negatively impact service levels within the District. Where these conditions are not met the matter must be referred for Council decision. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

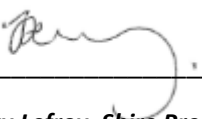
The Chief Executive Officer is delegated authority to:

- determine the circumstances where it is appropriate for the Local Government's functions to be performed outside the District and prior to implementing such a decision, obtain the consent of the landowner/s and occupier/s and any other person that has control or management of the land impacted by the performance of the function [s.3.20(1)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


_____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Local Government Act 1995

Delegation 1.2 Compensation for Damage Incurred when Performing Executive Functions

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	NO
POLICY REFERENCE:		SUB-DELEGATED TO:	

LEGAL (PARENT): <i>Local Government Act 1995:</i> s.3.22(1) Compensation s.3.23 Arbitration	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42</i>
Conditions	Delegation is limited to settlements which do not exceed a material value of \$5,000 Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

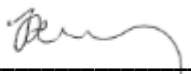
The Chief Executive Officer is delegated authority to:

- in accordance with the s.3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of executive functions and make payment of compensation [s.3.22(1)].
- where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ **Date:** 16 March 2022
Cr Tracy Lefroy, Shire President

Local Government Act 1995

Delegation 1.3 Appointment of authorised persons

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES (PART)
POLICY REFERENCE:		SUB-DELEGATED TO:	See Authorisation 11.17
LEGAL (PARENT): <i>Local Government Act 1995:</i>		LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42 9.10</i>	
Conditions	<p>The CEO must give to each person appointed under subsection (2) an identity card that —</p> <p>(a) on the front of the card, sets out —</p> <p>(i) the name and official insignia of the local government; and</p> <p>(ii) the name of the person; and</p> <p>(iii) a recent photograph of the person; and</p> <p>(b) on the back of the card, specifies each law to which the person’s appointment relates.</p> <p>A person appointed under subsection (2) (the authorised person) must —</p> <p>(a) carry their identity card at all times when performing functions under a specified law; and</p> <p>(b) produce their identity card for inspection when required to do so by a person in respect of whom the authorised person has performed or is about to perform a function under a specified law.</p> <p>Only the CEO may commence legal proceedings.</p> <p>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.</p> <p>Each person so authorised must be issued a certificate stating that the person is so authorised, and the person is to produce the certificate whenever required to do so. [s9.10(2)]</p> <p>Must comply with all relevant Policies.</p>		

POWER OR DUTY DELEGATED

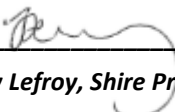
The Chief Executive Officer is expressly authorised, specifically for Part 3, Division 3, Subdivision 2 – Certain provisions about land, s9.10(1), 9.11, 9.13, 9.17, 9.19, 9.20 and 9.24 and Part 9 and is delegated authority to:

- appoint authorised person for the purposes of the Graffiti Vandalism Act 2016, which prescribes Part 9 of the Local Government Act 1995 as the enabling power [s.15 of the Graffiti Vandalism Act 2016].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY

 _____ **Date:** 16 March 2022
Cr Tracy Lefroy, Shire President

Local Government Act 1995

Delegation 1.4 Powers of Entry

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager Engineering Services Manager of Assets and Regulatory Services Principal Building Surveyor Principal EHO Ranger

LEGAL (PARENT): <i>Local Government Act 1995:</i> s.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42</i>
Conditions	Delegated authority may only be used, where there is imminent or substantial risk to public safety or property. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

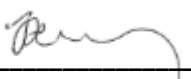
The Deputy CEO, Manager Engineering Services, Manager of Assets and Regulatory Services, Principal Building Surveyor, Principal EHO and Ranger are delegated authority to:

- exercise powers of enter to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law [s.3.28].
- give notice of entry [s.3.32].
- seek and execute an entry under warrant [s.3.33].
- execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)].
- give notice and effect entry by opening a fence [s.3.36].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ **Date:** 16 March 2022
Cr Tracy Lefroy, Shire President

Local Government Act 1995

Sub Delegation 1.4a Powers of Entry - Sub Delegation

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager Engineering Services Manager of Assets and Regulatory Services Principal Building Surveyor Principal EHO Ranger

LEGAL (PARENT): <i>Local Government Act 1995:</i> s.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.44</i>
Conditions	Delegated authority may only be used, where there is imminent or substantial risk to public safety or property. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

The Deputy CEO, Manager Engineering Services, Manager of Assets and Regulatory Services, Principal Building Surveyor, Principal EHO and Ranger are delegated authority to:

- exercise powers of enter to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law [s.3.28].
- give notice of entry [s.3.32].
- seek and execute an entry under warrant [s.3.33].
- execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)], including authority to determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions [s.3.34(2)].
- give notice and effect entry by opening a fence [s.3.36].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Mr Alan Leeson, CEO

Local Government Act 1995

Delegation 1.5 Declare Abandoned Vehicle Wreck

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	Manager Engineering Services Manager of Assets and Regulatory Services Ranger

LEGAL (PARENT): <i>Local Government Act 1995:</i> s.3.40A(4) Abandoned vehicle wreck may be taken	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42</i>
Conditions	Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.6 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

The Manager Engineering Services, Manager of Assets and Regulatory Services and Ranger are delegated authority to:

- declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Cr Tracy Lefroy, Shire President

Local Government Act 1995

Sub Delegation 1.5a Declare Abandoned Vehicle Wreck

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	Manager Engineering Services Manager of Assets and Regulatory Services Ranger

LEGAL (PARENT): <i>Local Government Act 1995:</i> s.3.40A(4) Abandoned vehicle wreck may be taken	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.44</i>
Conditions	Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.6 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

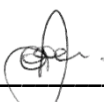
The Manager Engineering Services, Manager of Assets and Regulatory Services and Ranger are delegated authority to:

- declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Mr Alan Leeson, CEO

Date: 16 March 2022

Local Government Act 1995

Delegation 1.6 Confiscated or Uncollected Goods

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager of Assets and Regulatory Services Manager Engineering Services

LEGAL (PARENT): <i>Local Government Act 1995:</i> 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	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42</i>
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Conditions	<i>Local Government Act 1995: Part 3, Division 3, Subdivision 3</i> <i>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.</i> 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. Must comply with all relevant Policies.
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POWER OR DUTY DELEGATED

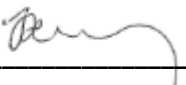
The Deputy CEO, Manager of Assets and Regulatory Services and Manager Engineering Services are delegated authority to:

- refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. [s.3.46]
- sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47]
- recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ **Date:** 16 March 2022
Cr Tracy Lefroy, Shire President

Local Government Act 1995

Sub Delegation 1.6a Confiscated or Uncollected Goods

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager of Assets and Regulatory Services Manager Engineering Services

LEGAL (PARENT): <i>Local Government Act 1995:</i> 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	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.44</i>
Conditions	<i>Local Government Act 1995: Part 3, Division 3, Subdivision 3 - 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.</i> 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. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

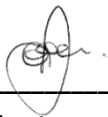
The Deputy CEO, Manager of Assets and Regulatory Services and Manager Engineering Services are delegated authority:

- to refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. [s.3.46]
- to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47]
- to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Mr Alan Leeson, CEO

Local Government Act 1995

Delegation 1.7 Disposal of Sick or Injured Animals

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Ranger

LEGAL (PARENT): <i>Local Government Act 1995:</i> s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42</i>
Conditions	Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

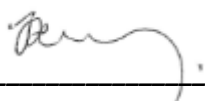
The Deputy CEO and Ranger are delegated authority to:

- determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)].
- recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Cr Tracy Lefroy, Shire President

Local Government Act 1995

Sub Delegation 1.7a Disposal of Sick or Injured Animals

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	Manager of Assets and Regulatory Services Manager of Engineering Services Ranger

LEGAL (PARENT): <i>Local Government Act 1995:</i> s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.44</i>
Conditions	Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

The Manager Engineering Services, Manager of Assets and Regulatory Services and Ranger are delegated authority to:

- to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)].
- to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Mr Alan Leeson, CEO

Local Government Act 1995

Delegation 1.8 Close Thoroughfares to Vehicles

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager Engineering Services Manager of Assets and Regulatory Services

LEGAL (PARENT): <i>Local Government Act 1995:</i> 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	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42</i>
Conditions	If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)]. Maintain access to adjoining land [s.3.52(3)] - relevant only to townsites Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

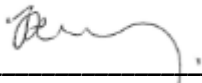
The Deputy CEO, Manager Engineering Services and Manager of Assets and Regulatory Services are delegated authority to:

- close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)].
- determine to close a thoroughfare for a period exceeding 4-weeks, but to a maximum of 6 weeks and before doing so, to:
 - i. give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and
 - ii. consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)].
- revoke an order to close a thoroughfare [s.3.50(6)].
- 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]
- 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 [s3.51].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ **Date:** 16 March 2022
Cr Tracy Lefroy, Shire President

Local Government Act 1995

Sub Delegation 1.8a Close Thoroughfares to Vehicles

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager Engineering Services

LEGAL (PARENT): <i>Local Government Act 1995:</i> s.3.50 Closing certain thoroughfares, s.3.50A Partial closure of thoroughfares, s.3.51 Affected owners to be notified	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.44</i>
Conditions	If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)]. Maintain access to adjoining land [s.3.52(3)] - relevant only to townsites Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

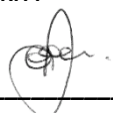
The Deputy CEO and Manager Engineering Services are delegated authority to:

- close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)].
- determine to close a thoroughfare for a period exceeding 4-weeks but to a maximum of 6 weeks and before doing so, to:
 - i. give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and
 - ii. consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)].
- revoke an order to close a thoroughfare [s.3.50(6)].
- 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]
- 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 [s3.51].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ **Date:** 16 March 2022
Mr Alan Leeson, CEO

Local Government Act 1995

Delegation 1.9 Control Reserves and Certain Unvested Facilities

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager Engineering Services Manager of Assets and Regulatory Services

LEGAL (PARENT): <i>Local Government Act 1995:</i> s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42</i>
Conditions	Limited to matters where the financial implications do not exceed a relevant and current budget allocation, and which do not create a financial liability in future budgets. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED


The Deputy CEO, Manager Engineering Services and Manager of Assets and Regulatory Services are delegated authority to:

- agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)].
- do anything for the purpose of controlling and managing land under the control and management of the Shire of Moora that the Shire could do under s.5 of the Parks and Reserves Act 1895. [s.3.54(1)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


_____ **Date:** 16 March 2022
Cr Tracy Lefroy, Shire President

Local Government Act 1995

Sub Delegation 1.9a Control Reserves and Certain Unvested Facilities

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager Engineering Services

LEGAL (PARENT): <i>Local Government Act 1995:</i> s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.44</i>
Conditions	Limited to matters where the financial implications do not exceed a relevant and current budget allocation, and which do not create a financial liability in future budgets. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

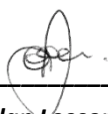
The Deputy CEO and Manager Engineering Services are delegated authority to:

- agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)].
- do anything for the purpose of controlling and managing land under the control and management of the Shire of Moora that the Shire could do under s.5 of the Parks and Reserves Act 1895. [s.3.54(1)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Mr Alan Leeson, CEO

Local Government Act 1995

Delegation 1.10 Expressions of Interest for Goods and Services

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager Engineering Services Manager of Assets and Regulatory Services

LEGAL (PARENT): <i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42</i>
Conditions	Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

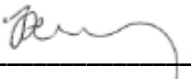
The Deputy CEO, Manager of Assets and Regulatory Services, and Manager Engineering Services are delegated authority to:

- determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21].
- consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r.23].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ **Date:** 16 March 2022
Cr Tracy Lefroy, Shire President

Local Government Act 1995

Sub Delegation 1.10a Expressions of Interest for Goods and Services

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager Engineering Services Manager Community Development and Visitor Servicing Manager of Assets and Regulatory Services

LEGAL (PARENT): <i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.44</i>
Conditions	Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

The Deputy CEO, Manager of Assets and Regulatory Services, Manager Community Development and Visitor Servicing and Manager Engineering Services are delegated authority:

- determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21].
- consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r.23].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Mr Alan Leeson, CEO

Local Government Act 1995

Delegation 1.11 Tenders for Goods and Services

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager Engineering Services Manager Community Development and Visitor Servicing Manager of Assets and Regulatory Services

<p>LEGAL (PARENT):</p> <p><i>Local Government Act 1995:</i></p> <p>s.3.57 Tenders for providing goods or services</p> <p><i>Local Government (Functions and General) Regulations 1996:</i></p> <p>r.11 When tenders have to be publicly invited</p> <p>r.13 Requirements when local government invites tenders though not required to do so</p> <p>r.14 Publicly inviting tenders, requirements for</p> <p>r.18 Rejecting and accepting tenders</p> <p>r.20 Variation of requirements before entry into contract</p> <p>r.21A Varying a contract for the supply of goods or services</p>	<p>LEGAL (SUBSIDIARY):</p> <p><i>Local Government Act 1995 s5.42</i></p>
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<p>Conditions</p>	<p>Sole supplier arrangements may only be approved where a record is retained that evidences:</p> <ul style="list-style-type: none"> i. A detailed specification; ii. The outcomes of market testing of the specification; iii. The reasons why market testing has not met the requirements of the specification; and iv. Rationale for why the supply is unique and cannot be sources through other suppliers; <p>Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget and where the:</p> <ul style="list-style-type: none"> i. proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government, ii. current supply contract expiry is imminent, iii. value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and iv. The tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.
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	<p>In accordance with s.5.43, tenders may only be accepted, and panels of pre-qualified suppliers established, where the total consideration under the resulting contract is \$249,999 or less and the expense is included in the adopted Annual Budget.</p> <p>Must comply with all relevant Policies.</p>
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POWER OR DUTY DELEGATED

The Deputy CEO, Manager Engineering Services, Manager Community Development and Visitor Servicing, and Manager of Assets and Regulatory Services are delegated authority to:

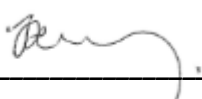
delegated authority to:

- call tenders [F&G r.11(1)].
- because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement [F&G r.11(f)].
- undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is \$249,999 or less and the expense is included in the adopted Annual Budget [F&G.r.11(2)].
- invite tenders although not required to do so [F&G r.13].
- determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)].
- determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)].
- vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)].
- evaluate tenders, by written evaluation, and decide which is the most advantageous [F&G r.18(4)].
- accept, or reject tenders, only within the \$value detailed as a condition on this Delegation and in accordance with the requirements of the Functions and General Regulations [F&G r.18(2) and (4)].
- determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender, subject to a maximum 10% variation and within the \$value detailed as a condition on this Delegation, and to then enter into minor variations with the successful tenderer before entering into a contract [F&G r.20(1) and (3)].
- seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)].
- decline any tender [F&G r.18(5)].
- if the chosen tenderer is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer, to choose the next most advantageous tender to accept [F&G r.20(2)]
- vary a contract that has been entered into with a successful tenderer, provided the variation/s do not change the scope of the original contract or increase the contract value beyond 10%
- exercise an extension option that was included in the original tender specification and contract in accordance with r.11(2)(j). [F&G r.21A].
- accept another tender where within 6-months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract [F&G r.18(6) & (7)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Local Government Act 1995

Sub Delegation 1.11a Tenders for Goods and Services

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager Engineering Services Manager of Community Development and Visitor Servicing Manager of Assets and Regulatory Services

<p>LEGAL (PARENT):</p> <p><i>Local Government Act 1995:</i></p> <p>s.3.57 Tenders for providing goods or services</p> <p><i>Local Government (Functions and General) Regulations 1996:</i></p> <p>r.11 When tenders have to be publicly invited</p> <p>r.13 Requirements when local government invites tenders though not required to do so</p> <p>r.14 Publicly inviting tenders, requirements for</p> <p>r.18 Rejecting and accepting tenders</p> <p>r.20 Variation of requirements before entry into contract</p> <p>r.21A Varying a contract for the supply of goods or services</p>	<p>LEGAL (SUBSIDIARY):</p> <p><i>Local Government Act 1995 s5.44</i></p>
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Conditions	<p>Sole supplier arrangements may only be approved where a record is retained that evidences:</p> <ul style="list-style-type: none"> i. A detailed specification; ii. The outcomes of market testing of the specification; iii. The reasons why market testing has not met the requirements of the specification; and iv. Rationale for why the supply is unique and cannot be sources through other suppliers; <p>Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget and where the:</p> <ul style="list-style-type: none"> i. proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government, ii. current supply contract expiry is imminent, iii. value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and
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	<p>iv. The tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.</p> <p>In accordance with s.5.43, tenders may only be accepted, and panels of pre-qualified suppliers established, where the total consideration under the resulting contract is \$249,999 or less and the expense is included in the adopted Annual Budget.</p> <p>Must comply with all relevant Policies.</p>
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POWER OR DUTY DELEGATED

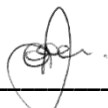
The Deputy CEO, Manager of Community Development and Visitor Servicing, Manager of Assets and Regulatory Services and Manager Engineering Services are delegated authority to:

- call tenders [F&G r.11(1)].
- because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement [F&G r.11(f)].
- undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is \$249,999 or less and the expense is included in the adopted Annual Budget [F&G.r.11(2)].
- invite tenders although not required to do so [F&G r.13].
- determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)].
- determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)].
- vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)].
- evaluate tenders, by written evaluation, and decide which is the most advantageous [F&G r.18(4)].
- accept, or reject tenders, only within the \$value detailed as a condition on this Delegation and in accordance with the requirements of the Functions and General Regulations [F&G r.18(2) and (4)].
- determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender, subject to a maximum 10% variation and within the \$value detailed as a condition on this Delegation, and to then enter into minor variations with the successful tenderer before entering into a contract [F&G r.20(1) and (3)].
- seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)].
- decline any tender [F&G r.18(5)].
- if the chosen tenderer is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer, to choose the next most advantageous tender to accept [F&G r.20(2)]
- vary a contract that has been entered into with a successful tenderer, provided the variation/s do not change the scope of the original contract or increase the contract value beyond 10%
- exercise an extension option that was included in the original tender specification and contract in accordance with r.11(2)(j). [F&G r.21A].
- accept another tender where within 6-months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract [F&G r.18(6) & (7)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Mr Alan Leeson, CEO

Date: 16 March 2022

Local Government Act 1995

Delegation 1.12 Panels of Pre-Qualified Suppliers for Goods and Services

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager Engineering Services Manager of Community Development and Visitor Servicing Manager of Assets and Regulatory Services

LEGAL (PARENT): <i>Local Government (Functions and General) Regulation 1996:</i> r.24AB Local government may establish panels of pre-qualified suppliers r.24AC(1)(b) Requirements before establishing panels of pre-qualified suppliers r.24AD(3) & (6) Requirements when inviting persons to apply to join panel of pre-qualified suppliers r.24AH(2), (3), (4) and (5) Rejecting and accepting applications to join panel of pre-qualified suppliers	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42</i>
Conditions	In accordance with s.5.43, panels of pre-qualified suppliers may only be established, where the total consideration under the resulting contract is \$249,999 or less and the expense is included in the adopted Annual Budget. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

The Deputy CEO, Manager of Community Development and Visitor Servicing, Manager of Assets and Regulatory Services and Manager Engineering Services are delegated authority to:

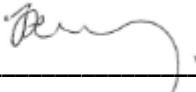
- determine that there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [F&G r.24AC(1)(b)].
- before inviting submissions, determine the written criteria for deciding which application should be for inclusion in a panel of pre-qualified suppliers should be accepted [F&G r.24AD(3)].
- vary panel of pre-qualified supplier information after public notice inviting submissions has been given, taking reasonable steps to each person who has enquired or submitted an application is provided notice of the variation [F&G r.24AD(6)].
- reject an application without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation [F&G r.24AH(2)].

- assess applications, by written evaluation of the extent to which the submission satisfies the criteria for deciding which applicants to accept, and decide which applications to accept as most advantageous [F&G r.24AH(3)].
- request clarification of information provided in a submission by an applicant [F&G r.24AH(4)].
- decline to accept any application [F&G r.24AH(5)].
- enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services [F&G r.24AJ(1)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Cr Tracy Lefroy, Shire President

Local Government Act 1995

Sub Delegation 1.12a Panels of Pre-Qualified Suppliers for Goods and Services

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager Engineering Services Manager of Community Development and Visitor Servicing Manager of Assets and Regulatory Services

LEGAL (PARENT): <i>Local Government (Functions and General) Regulation 1996:</i> r.24AB Local government may establish panels of pre-qualified suppliers r.24AC(1)(b) Requirements before establishing panels of pre-qualified suppliers r.24AD(3) & (6) Requirements when inviting persons to apply to join panel of pre-qualified suppliers r.24AH(2), (3), (4) and (5) Rejecting and accepting applications to join panel of pre-qualified suppliers	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.44</i>
Conditions	In accordance with s.5.43, panels of pre-qualified suppliers may only be established, where the total consideration under the resulting contract is \$249,999 or less and the expense is included in the adopted Annual Budget. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

The Deputy CEO, Manager of Community Development and Visitor Servicing, Manager of Assets and Regulatory Services and Manager Engineering Services are delegated authority to:

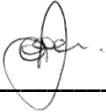
- determine that there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [F&G r.24AC(1)(b)].
- before inviting submissions, determine the written criteria for deciding which application should be for inclusion in a panel of pre-qualified suppliers should be accepted [F&G r.24AD(3)].
- vary panel of pre-qualified supplier information after public notice inviting submissions has been given, taking reasonable steps to each person who has enquired or submitted an application is provided notice of the variation [F&G r.24AD(6)].
- reject an application without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation [F&G r.24AH(2)].

- assess applications, by written evaluation of the extent to which the submission satisfies the criteria for deciding which applicants to accept, and decide which applications to accept as most advantageous [F&G r.24AH(3)].
- request clarification of information provided in a submission by an applicant [F&G r.24AH(4)].
- decline to accept any application [F&G r.24AH(5)].
- enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services [F&G r.24AJ(1)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Mr Alan Leeson, CEO

Local Government Act 1995

Delegation 1.13 Application of Regional Price Preference Policy

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager Engineering Services Manager of Community Development and Visitor Servicing Manager of Assets and Regulatory Services

LEGAL (PARENT): <i>Local Government (Functions and General) Regulations 1996:</i> r.24G Adopted regional price preference policy, effect of	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42</i>
Conditions	Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

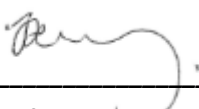
The Deputy CEO, Manager of Community Development and Visitor Servicing, Manager of Assets and Regulatory Services and Manager Engineering Services are delegated authority to:

- decide when not to apply the regional price preference policy to a future tender [F&G r.24G].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Local Government Act 1995

Sub Delegation 1.13a Application of Regional Price Preference Policy

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager Engineering Services Manager of Community Development and Visitor Servicing Manager of Assets and Regulatory Services

LEGAL (PARENT): <i>Local Government (Functions and General) Regulations 1996:</i> r.24G Adopted regional price preference policy, effect of	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.44</i>
Conditions	Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

The Deputy CEO, Manager of Community Development and Visitor Servicing, Manager of Assets and Regulatory Services and Manager Engineering Services are delegated authority:

- to decide when not to apply the regional price preference policy to a future tender [F&G r.24G].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Mr Alan Leeson, CEO

Local Government Act 1995

Delegation 1.14 Disposing of Property

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager of Community Development and Visitor Servicing Manager of Assets and Regulatory Services Manager Engineering Services

LEGAL (PARENT): <i>Local Government Act 1995:</i> s.3.58(2) & (3) Disposing of Property	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42</i>
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Conditions	<p>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.</p> <p>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 \$5,000 or less.</p> <p>When determining the method of disposal:</p> <ul style="list-style-type: none"> • Where a public auction is determined as the method of disposal: <ul 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. • 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. • Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: <ul 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 that the reasons for such a decision are recorded. <p>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:</p> <ul style="list-style-type: none"> • Without reference to Council for resolution; and
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	<ul style="list-style-type: none"> 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 the disposal must ensure environmentally responsible disposal. <p>Must comply with all relevant Policies.</p>
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POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to:

- dispose of property to:
 - to the highest bidder at public auction [s.3.58(2)(a)].
 - 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)]
- 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)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Cr Tracy Lefroy, Shire President

Local Government Act 1995

Sub Delegation 1.14a Disposing of Property

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager of Community Development and Visitor Services, Manager of Assets and Regulatory Services Manager Engineering Services

LEGAL (PARENT): <i>Local Government Act 1995:</i> s.3.58(2) & (3) Disposing of Property	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.44</i>
Conditions	<p>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.</p> <p>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 \$5,000 or less.</p> <p>When determining the method of disposal:</p> <ul style="list-style-type: none"> • Where a public auction is determined as the method of disposal: <ul 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. • 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. • Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: <ul 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 that the reasons for such a decision are recorded. <p>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:</p> <ul style="list-style-type: none"> • Without reference to Council for resolution; and

	<ul style="list-style-type: none">• 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 the disposal must ensure environmentally responsible disposal. <p>Must comply with all relevant Policies.</p>
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POWER OR DUTY DELEGATED

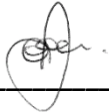
The Deputy CEO, Manager of Community Development and Visitor Servicing, Manager of Assets and Regulatory Services and Manager Engineering Services are delegated authority to:

- dispose of property to:
 - i. to the highest bidder at public auction [s.3.58(2)(a)].
 - ii. 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)]
- 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)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Mr Alan Leeson, CEO

Local Government Act 1995

Delegation 1.15 Making Payments from Municipal and Trust Funds

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager Engineering Services Manager of Corporate Services Senior Finance Officer Manager Community Development & Visitor Servicing Manager of Assets and Regulatory Services

LEGAL (PARENT): <i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42</i>
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Conditions	<p>Payments made by Cheque, Electronic Transfer or any other means require two (2) authorisations by any of the following approved persons:</p> <ul style="list-style-type: none"> • Chief Executive Officer, Deputy Chief Executive Officer, Manager of Corporate Services, Manager Engineering Services, Manager Community Development & Visitor Servicing, Manager of Assets and Regulatory Services or Senior Finance Officer. <p>Compliance with r12 and 13 of the Local Government (Financial Management) Regulations 1996. Each payment from the Municipal Fund Bank Accounts and the Trust Fund Bank Accounts is to be noted on a list compiled each month showing:</p> <ol style="list-style-type: none"> 1) The payee’s name 2) The amount of the payment 3) The date of the payment 4) Sufficient information to identify the transaction <p>The list referred to above is to be presented to the Council at the next ordinary meeting of the Council following the preparation of the list and is to be recorded in the minutes of the meeting at which it is presented.</p> <p>Authority to make payments is subject to annual budget limitations.</p> <p>Must comply with all relevant Policies.</p>
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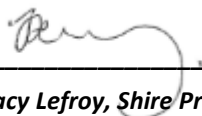
POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to make payments from the municipal or trust funds [r.12(1)(a)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Cr Tracy Lefroy, Shire President

Local Government Act 1995

Sub Delegation 1.15a Making Payments from Municipal and Trust Funds

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager Engineering Services Senior Finance Officer Manager Community Development & Visitor Servicing Manager of Assets and Regulatory Services

LEGAL (PARENT): <i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.44</i>
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Conditions	<p>Payments made by Cheque, Electronic Transfer or any other means require two (2) authorisations being:</p> <ul style="list-style-type: none"> • Chief Executive Officer and Deputy Chief Executive Officer • In the absence of either of the above the Manager Engineering Services, Manager Community Development & Visitor Servicing, Manager of Assets and Regulatory Services or Senior Finance Officer shall act in their stead <p>Compliance with r12 and 13 of the Local Government (Financial Management) Regulations 1996. Each payment from the Municipal Fund Bank Accounts and the Trust Fund Bank Accounts is to be noted on a list compiled each month showing:</p> <ol style="list-style-type: none"> 1) The payee's name 2) The amount of the payment 3) The date of the payment 4) Sufficient information to identify the transaction <p>The list referred to above is to be presented to the Council at the next ordinary meeting of the Council following the preparation of the list and is to be recorded in the minutes of the meeting at which it is presented.</p> <p>Authority to incur liability and make payments is subject to annual budget limitations.</p> <p>Must comply with all relevant Policies.</p> <p>Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5.</p> <p>Must comply with all relevant Policies.</p>
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POWER OR DUTY DELEGATED

Authority to make payments from the municipal or trust funds [r.12(1)(a)] is delegated on the following basis:

Payment authorisation via internet banking or cheque payment requires a combination of two signatories one of which must include the CEO.

Authority is delegated to the follow to make payments from the municipal or trust funds [r.12(1)(a)]:

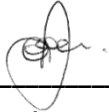
- Deputy Chief Executive Officer
- Manager Engineering Services
- Senior Finance Officer
- Manager Community Development & Visitor Servicing
- Manager of Assets and Regulatory Services

Such delegation applies to each employee for his/her area of responsibility.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Mr Alan Leeson, CEO

Local Government Act 1995

Delegation 1.16 Appointment of Acting CEO

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	Cannot be sub-delegated
POLICY REFERENCE:	Policy 2.13	SUB-DELEGATED TO:	

LEGAL (PARENT): <i>Local Government Act 1995</i> s5.36(1)(a) Local government employees	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42</i> <i>Local Government (Administration) Regulations 1996</i>
Conditions	Refer policy 2.13

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to:

- appoint an Acting Chief Executive Officer for periods of absence by the Chief Executive Officer not longer than four weeks.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Cr Tracy Lefroy, Shire President

Local Government Act 1995

Delegation 1.17 Nominate Designated Employees

Date Adopted:		Delegate:	CEO
Date Last Reviewed:		Sub-Delegated:	Cannot be sub-delegated
Policy Reference:		Sub-Delegated to:	

Legal (Parent): <i>Local Government Act 1995</i> s5.74(1)	Legal (Subsidiary): <i>Local Government Act 1995 s5.42</i>
Conditions	Must comply with Council Policy.

Power or Duty Delegated

The Chief Executive Officer is delegated authority to:

- nominate an employee to be a designated employee for the purposes of s5.74, Code of Conduct and other related matters

Review Requirements

At least once every financial year.

Authority



_____ Date: 16 March 2022

Cr Tracy Lefroy, Shire President

Local Government Act 1995

Delegation 1.18 Defer, Grant Discounts, Waive or Write Off Debts, Donations

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE	Policy 4.8	SUB-DELEGATED TO:	DCEO Manager of Corporate Services

LEGAL (PARENT): <i>Local Government Act 1995:</i> s.6.12 Power to defer, grant discounts, waive or write off debts	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42</i>
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Conditions	<p>This Delegation does not apply to debts, which are prescribed as debts that are taken to be a rate or service charge.</p> <p>A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire.</p> <p style="padding-left: 40px;">i. Limited to individual debts valued below \$500 or cumulative debts of a debtor valued below \$1,000. Write off debts greater than these values must be referred for Council decision.</p> <p>Running record of donations maintained by the Chief Executive Officer's Executive Assistant and included quarterly in the Status Report.</p> <p>The Chief Executive Officer is specifically delegated authority to adjust fees and charges where he/she considers there is a need due to extenuating circumstances e.g., community fundraising event, charitable cause and the like. The authority and power shall be applicable to;</p> <ul style="list-style-type: none"> • Moora Performing Arts Centre; • Moora Recreation Centre; • Moora Health & Fitness Centre; • Miling Hall; • Miling Pavilion; • Watheroo Hall; • Watheroo Pavilion; • Coomberdale Hall; • Bindi-Bindi Fire Shed and Community Centre. <p>Must comply with all relevant Policies.</p>
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POWER OR DUTY DELEGATED

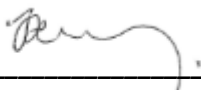
The Chief Executive Officer is delegated authority to:

- waive a debt which is owed to the Shire [s.6.12(1)(b)].
- write off an amount of money which is owed to the Shire [s.6.12(1)(c)]
- make a donation of up to \$250

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Cr Tracy Lefroy, Shire President

Local Government Act 1995

Sub Delegation 1.18a Defer, Grant Discounts, Waive or Write Off Debts, Donations

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager of Corporate Services

LEGAL (PARENT): <i>Local Government Act 1995:</i> s.6.12 Power to defer, grant discounts, waive or write off debts	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.44</i>
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Conditions	<p>This Delegation does not apply to debts, which are prescribed as debts that are taken to be a rate or service charge.</p> <p>A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire.</p> <p>i. Limited to individual debts valued below \$500 or cumulative debts of a debtor valued below \$1,000. Write off debts greater than these values must be referred for Council decision.</p> <p>Deputy CEO may only waive fees and charges within a financial year where such waiver is either to:</p> <ol style="list-style-type: none"> i. rectify a service failure on the part of the Shire limited to a value less than \$200 per customer within a financial year; or ii. assist a not for profit community group or charitable entity in fulfilling a service, social or cultural outcome within the Shire. <p>Running record of donations maintained by the Chief Executive Officer's Executive Assistant and included quarterly in the Council Report.</p> <p>The Chief Executive Officer is specifically delegated authority to adjust fees and charges where he/she considers there is a need due to extenuating circumstances e.g. community fundraising event, charitable cause and the like. The authority and power shall be applicable to;</p> <ul style="list-style-type: none"> • Moora Performing Arts Centre; • Moora Recreation Centre; • Moora Health & Fitness Centre; • Miling Hall; • Miling Pavilion; • Watheroo Hall; • Watheroo Pavilion;
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	<ul style="list-style-type: none">• Coomberdale Hall;• Bindi-Bindi Fire Shed and Community Centre. <p>Must comply with all relevant Policies.</p>
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POWER OR DUTY DELEGATED


The Deputy CEO and Manager of Corporate Services are delegated authority to:

- waive a debt which is owed to the Shire [s.6.12(1)(b)].
- write off an amount of money which is owed to the Shire [s.6.12(1)(c)]
- make a donation of up to \$250

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Mr Alan Leeson, CEO

Local Government Act 1995

Delegation 1.19 Power to Invest and Manage Investments

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:	FIN 001 - Investment Policy	SUB-DELEGATED TO:	DCEO

<p>LEGAL (PARENT):</p> <p><i>Local Government Act 1995:</i></p> <p>s.6.14 Power to invest</p> <p>s.6.94 Transfer funds</p> <p><i>Local Government (Financial Management) Regulations 1996:</i></p> <p>r.19 Investments, control procedures for</p>	<p>LEGAL (SUBSIDIARY):</p> <p><i>Local Government Act 1995 s5.42</i></p>
<p>Conditions</p>	<p>All investment activity must comply with the Financial Management Regulation 19C.</p> <p>A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports.</p> <p>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.</p> <p>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 each financial year. [Audit r.17]</p> <p>Must comply with all relevant Policies.</p>

POWER OR DUTY DELEGATED

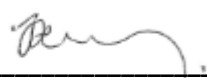
The Deputy CEO is delegated authority to:

- determine to transfer to the Municipal Fund money held in the Trust Fund for 10 years [s6.9(4)]
- invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)].
- establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Local Government Act 1995

Sub Delegation 1.19a Power to Invest and Manage Investments

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:	FIN 001 - Investment Policy	SUB-DELEGATED TO:	DCEO

LEGAL (PARENT): <i>Local Government Act 1995: s.6.14</i> <i>Local Government (Financial Management) Regs 1996: r.19</i>	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.44</i>
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Conditions	<p>All investment activity must comply with the Financial Management Regulation 19C.</p> <p>A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports.</p> <p>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.</p> <p>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 each financial year. [Audit r.17]</p> <p>A decision to invest must be jointly confirmed by two Delegates.</p> <p>Investment decisions are limited to a maximum of \$500,000 per transaction</p> <p>Where exposure to a single market or investment type will exceed \$1 million, the decision must be made by the CEO.</p> <p>Must comply with all relevant Policies.</p>
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POWER OR DUTY DELEGATED

The Deputy CEO is delegated authority to:

- determine to transfer to the Municipal Fund money held in the Trust Fund for 10 years [s6.9(4)]
- invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)].
- establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Mr Alan Leeson, CEO

Local Government Act 1995

Delegation 1.20 Rate Record Amendment

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO

LEGAL (PARENT): <i>Local Government Act 1995:</i> s.6.39(2)(b) Rate record	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42</i>
Conditions	Must comply with the requirements of s.6.40 of the Act. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

The Deputy CEO is delegated authority:

- to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Cr Tracy Lefroy, Shire President

Local Government Act 1995

Sub Delegation 1.20a Rate Record Amendment

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO

LEGAL (PARENT): <i>Local Government Act 1995:</i> s.6.39(2)(b) Rate record	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.44</i>
Conditions	Must comply with the requirements of s.6.40 of the Act. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

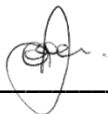
The Deputy CEO is delegated authority:

- to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Mr Alan Leeson, CEO

Local Government Act 1995

Delegation 1.21 Agreement as to Payment of Rates and Service Charges

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager of Corporate Services

LEGAL (PARENT): <i>Local Government Act 1995:</i> s.6.49 Agreement as to payment of rates and service charges	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42</i>
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Conditions	Agreements must be in writing and must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied. Must comply with all relevant Policies.
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POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to:

- make an agreement with a person for the payment of rates or service charges [s.6.49].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Cr Tracy Lefroy, Shire President

Local Government Act 1995

Sub Delegation 1.21a Agreement as to Payment of Rates and Service Charges

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager of Corporate Services

LEGAL (PARENT): <i>Local Government Act 1995:</i> s.6.49 Agreement as to payment of rates and service charges	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.44</i>
Conditions	Agreements must be in writing and must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

The Deputy CEO and Manager of Corporate Services are delegated authority to:

- make an agreement with a person for the payment of rates or service charges [s.6.49].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Mr Alan Leeson, CEO

Local Government Act 1995

Delegation 1.22 Determine Due Date for Rates or Service Charges

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO

LEGAL (PARENT): <i>Local Government Act 1995:</i> s.6.50 Rates or service charges due and payable	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42</i>
Conditions	Authority to determine the date on which rates or service charges become due and payable to the Shire [s.6.50]. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to:

- determine the date on which rates or service charges become due and payable to the Shire. [s.6.50].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Cr Tracy Lefroy, Shire President

Local Government Act 1995

Sub Delegation 1.22a Determine Due Date for Rates or Service Charges

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO

LEGAL (PARENT): <i>Local Government Act 1995:</i> s.6.50 Rates or service charges due and payable	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.44</i>
Conditions	Authority to determine the date on which rates or service charges become due and payable to the Shire [s.6.50]. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

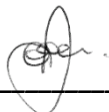
The Deputy CEO is delegated authority to:

- determine the date on which rates or service charges become due and payable to the Shire. [s.6.50].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Mr Alan Leeson, CEO

Local Government Act 1995

Delegation 1.23 Recovery of Rates or Service Charges

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager of Corporate Services

LEGAL (PARENT): <i>Local Government Act 1995:</i> s.6.56 Rates or service charges recoverable in court	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42</i>
Conditions	Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

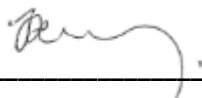
The CEO is delegated authority to:

- recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Cr Tracy Lefroy, Shire President

Local Government Act 1995

Sub Delegation 1.23a Recovery of Rates or Service Charges

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager of Corporate Services

LEGAL (PARENT): <i>Local Government Act 1995:</i> s.6.56 Rates or service charges recoverable in court	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.44</i>
Conditions	Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

The Deputy CEO and Manager of Corporate Services are delegated authority to:

- recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Mr Alan Leeson, CEO

Local Government Act 1995

Delegation 1.24 Recovery of Rates Debts - Actions to Take Possession of the Land

DATE ADOPTED:	
DATE LAST REVIEWED:	
POLICY REFERENCE:	

DELEGATE:	CEO
SUB-DELEGATED:	YES
SUB-DELEGATED TO:	DCEO

<p>LEGAL (PARENT):</p> <p><i>Local Government Act 1995:</i></p> <p>s.6.64(1) & (3) Actions to be taken</p> <p>s 6.69(2) Right to pay rates, service charges and costs, and stay proceedings</p> <p>s.6.71 Power to transfer land to Crown or local government</p> <p>s.6.74 Power to have land re-vested if rates in arrears 3 years</p>

<p>LEGAL (SUBSIDIARY):</p> <p><i>Local Government Act 1995 s5.42</i></p>

Conditions	<p>In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale without having, 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.</p> <p>Must comply with all relevant Policies.</p>
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POWER OR DUTY DELEGATED

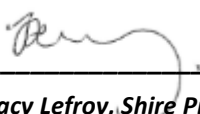
The Chief Executive Officer is delegated authority to:

- 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:
 - i. lease the land, or
 - ii. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months:
 - I. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or
 - II. cause the land to be transferred to the Shire [s.6.71].
- lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)].
- 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)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Cr Tracy Lefroy, Shire President

Local Government Act 1995

Sub Delegation 1.24a Recovery of Rates Debts - Actions to Take Possession of the Land

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO

<p>LEGAL (PARENT): <i>Local Government Act 1995:</i> s.6.64(1) & (3) 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 revested in Crown if rates in arrears 3 years</p>	<p>LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.44</i></p>	
<p>Conditions</p>	<p>In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale without having, within the previous 3-years attempted to recover the outstanding rates / changes 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.</p> <p>Must comply with all relevant Policies.</p>	

POWER OR DUTY DELEGATED

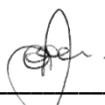
The Deputy CEO is delegated authority:

- 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:
 - i. lease the land, or
 - ii. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months:
 - I. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or
 - II. cause the land to be transferred to the Shire [s.6.71].
- lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)].
- 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)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



 Mr Alan Leeson, CEO

Date: 16 March 2022

Local Government Act 1995

Delegation 1.25 Rate Record – Objections

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO

LEGAL (PARENT): <i>Local Government Act 1995:</i> s.6.76 Grounds of objection	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42</i>
Conditions	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. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

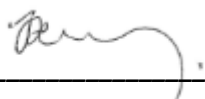
The Deputy CEO is delegated authority to:

- extend the time for a person to make an objection to a rate record [s.6.76(4)].
- 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)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Cr Tracy Lefroy, Shire President

Local Government Act 1995

Sub Delegation 1.25a Rate Record – Objections

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO

LEGAL (PARENT): <i>Local Government Act 1995:</i> s.6.76 Grounds of objection	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.44</i>
Conditions	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. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

The Deputy CEO is delegated authority to:

- extend the time for a person to make an objection to a rate record [s.6.76(4)].
- 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)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Mr Alan Leeson, CEO

Local Government Act 1995

Delegation 1.26 Obstruction of Footpaths and Thoroughfares

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager Engineering Services

<p>LEGAL (PARENT):</p> <p><i>Local Government (Uniform Local Provisions) Regulations 1996:</i></p> <p>r.5(2) Interfering with, or taking from, local government land</p> <p>r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)</p> <p>r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b)</p> <p>r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)</p>	<p>LEGAL (SUBSIDIARY):</p> <p><i>Local Government Act 1995 s5.42</i></p>
<p>Conditions</p>	<p>Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.</p> <p>Permission may only be granted where, the proponent has:</p> <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. <p>Must comply with all relevant Policies.</p>

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated 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:
 - i. prevent damage to the footpath; or
 - ii. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)].
- 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)].
- 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)].

- 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].
- 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].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Cr Tracy Lefroy, Shire President

Local Government Act 1995

Sub Delegation 1.26a Obstruction of Footpaths and Thoroughfares

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager Engineering Services

<p>LEGAL (PARENT):</p> <p><i>Local Government (Uniform Local Provisions) Regulations 1996:</i></p> <p>r.5(2) Interfering with, or taking from, local government land</p> <p>r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)</p> <p>r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b)</p> <p>r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)</p>	<p>LEGAL (SUBSIDIARY):</p> <p><i>Local Government Act 1995 s5.44</i></p>
<p>Conditions</p>	<p>Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.</p> <p>Permission may only be granted where, the proponent has:</p> <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. <p>Must comply with all relevant Policies.</p>

POWER OR DUTY DELEGATED

The Deputy CEO and Manager Engineering Services are delegated authority to:

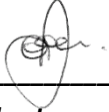
- to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to:
 - i. prevent damage to the footpath; or
 - ii. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)].
- 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)].
- 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)].

- 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].
- 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].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Mr Alan Leeson, CEO

Local Government Act 1995

Delegation 1.27 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager Engineering Services

LEGAL (PARENT): <i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42</i>
Conditions	Decisions under this Delegation must be exercised in alignment with Council’s Delegated Authority 1.26 Obstruction of Footpaths and Thoroughfares. Actions under this Delegation must comply with the procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

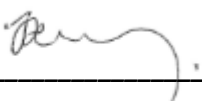
The Chief Executive Officer is delegated authority when determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.26 to:

- 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)].
- determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b)].
- 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)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Local Government Act 1995

Sub Delegation 1.27a Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager Engineering Services

LEGAL (PARENT): r.6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.44</i>
Conditions	Decisions under this Delegation must be exercised in alignment with Council’s Delegated Authority 1.26 Obstruction of Footpaths and Thoroughfares. Actions under this Delegation must comply with the procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED


The Deputy CEO and Manager Engineering Services are delegated authority when determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.26a 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)].
- determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b)].
- 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)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Mr Alan Leeson, CEO

Local Government Act 1995

Delegation 1.28 Gates Across Public Thoroughfares

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager Engineering Services

LEGAL (PARENT): <i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42</i>
Conditions	<p>Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.</p> <p>Each approval provided must be recorded in the Shire’s statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8.</p> <p>Must comply with all relevant Policies.</p>

POWER OR DUTY DELEGATED


The Chief Executive Officer is delegated authority to:

- provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)].
- require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)].
- impose conditions on granting permission [ULP r.9(4)].
- renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)].
- cancel permission by written notice and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9(6)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Local Government Act 1995

Sub Delegation 1.28a Gates Across Public Thoroughfares

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager Engineering Services

LEGAL (PARENT): <i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.44</i>
Conditions	<p>Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.</p> <p>Each approval provided must be recorded in the Shire’s statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8.</p> <p>Must comply with all relevant Policies.</p>

POWER OR DUTY DELEGATED

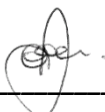
The Deputy CEO and Manager Engineering Services are delegated authority:

- to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)].
- to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)].
- to impose conditions on granting permission [ULP r.9(4)].
- to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)].
- to cancel permission by written notice and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9(6)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Mr Alan Leeson, CEO

Local Government Act 1995

Delegation 1.29 Public Thoroughfare – Dangerous Excavations

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager Engineering Services

LEGAL (PARENT): <i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6 r.11(6)(c) and (7)(c) Dangerous excavation in or near public thoroughfare – Sch. 9.1 cl.6	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42</i>
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Conditions	<p>a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.</p> <p>b. Permission may only be granted where, the proponent has:</p> <p>i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works.</p> <p>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works.</p> <p>iii. Provided evidence of sufficient Public Liability Insurance.</p> <p>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</p> <p>Must comply with all relevant Policies.</p>
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POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to:

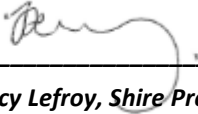
- determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)].
- determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)].
- impose conditions on granting permission [ULP r.11(6)].
- renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].
- 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)].

- 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)].
- determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Cr Tracy Lefroy, Shire President

Local Government Act 1995

Sub Delegation 1.29a Public Thoroughfare – Dangerous Excavations

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager Engineering Services

<p>LEGAL (PARENT):</p> <p><i>Local Government (Uniform Local Provisions) Regulations 1996:</i></p> <p>r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6</p> <p>r.11(6)(c) and (7)(c) Dangerous excavation in or near public thoroughfare – Sch. 9.1 cl.6</p>	<p>LEGAL (SUBSIDIARY):</p> <p><i>Local Government Act 1995 s5.44</i></p>
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<p>Conditions</p>	<p>a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.</p> <p>b. Permission may only be granted where, the proponent has:</p> <p>i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works.</p> <p>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works.</p> <p>iii. Provided evidence of sufficient Public Liability Insurance.</p> <p>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</p> <p>Must comply with all relevant Policies.</p>
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POWER OR DUTY DELEGATED

The Deputy CEO and Manager Engineering Services are delegated authority to:

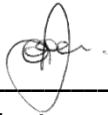
- determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)].
- determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)].
- impose conditions on granting permission [ULP r.11(6)].
- renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].
- 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)].

- 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)].
- determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Mr Alan Leeson, CEO

Local Government Act 1995

Delegation 1.30 Crossing – Construction, Repair and Removal

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager Engineering Services

<p>LEGAL (PARENT):</p> <p><i>Local Government (Uniform Local Provisions) Regulations 1996:</i></p> <p>r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7(2)</p> <p>r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)</p>	<p>LEGAL (SUBSIDIARY):</p> <p><i>Local Government Act 1995 s5.42</i></p>
Conditions	<p>Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.</p> <p>Must comply with all relevant Policies.</p>

POWER OR DUTY DELEGATED

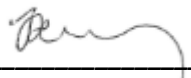
The Deputy CEO and Manager Engineering Services are delegated authority to:

- 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)].
- determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)].
- give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)].
- 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)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Local Government Act 1995

Sub Delegation 1.30a Crossing – Construction, Repair and Removal

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager Engineering Services

LEGAL (PARENT): <i>Local Government (Uniform Local Provisions) Regulations 1996:</i> 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)	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.44</i>
Conditions	Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

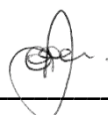
The Deputy CEO and Manager Engineering Services are delegated authority to:

- 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)].
- determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)].
- give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)].
- 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)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Mr Alan Leeson, CEO

Local Government Act 1995

Delegation 1.31 Private Works on, over or under Public Places

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager Engineering Services

LEGAL (PARENT): <i>Local Government Act 1995: r.17 Private works on, over, or under public places – Sch.9.1 cl.8, r.17(5)(b) and r.17(6)(c) Private works on, over, or under public places — Sch. 9.1 cl. 8</i>	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42</i>
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Conditions	<p>Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. Permission may only be granted where, the proponent has:</p> <ul style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity <p>Must comply with all relevant Policies.</p>
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POWER OR DUTY DELEGATED


The Deputy CEO and Manager Engineering Services are delegated authority to:

- grant 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)].
- impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].
- 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)].
- determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [r.17(6)(c)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Local Government Act 1995

Sub Delegation 1.31a Private Works on, over or under Public Places

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager Engineering Services

LEGAL (PARENT): <i>Local Government Act 1995: r.17 Private works on, over, or under public places – Sch.9.1 cl.8, r.17(5)(b) and r.17(6)(c) Private works on, over, or under public places – Sch. 9.1 cl. 8</i>	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.44</i>
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Conditions	<p>Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.</p> <p>Permission may only be granted where, the proponent has:</p> <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity <p>Must comply with all relevant Policies.</p>
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POWER OR DUTY DELEGATED


The Deputy CEO and Manager Engineering Services are delegated authority to:

- grant 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)].
- impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].
- 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)].
- determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [r.17(6)(c)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Mr Alan Leeson, CEO

Local Government Act 1995

Delegation 1.32 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager Engineering Services

LEGAL (PARENT): <i>Local Government (Uniform Local Provisions) 1996:</i> r.21(1) Wind erosion and sand drifts – Sch.9.1 cl.12	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42</i>
Conditions	Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. Permission may only be granted where, the proponent has: <ul style="list-style-type: none">i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works.ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works.iii. Provided evidence of sufficient Public Liability Insurance.iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

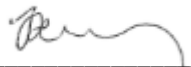
The Deputy CEO and Manager Engineering Services are delegated authority to:

- give notice to an owner / occupier of land if it is considered that clearing the owner / occupier's land might cause local government land having a common boundary, will be adversely affected by wind erosion or sand drift [ULP r.21(1)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


_____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Local Government Act 1995

Sub Delegation 1.32a Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager Engineering Services

LEGAL (PARENT): <i>Local Government (Uniform Local Provisions) 1996:</i> r.21(1) Wind erosion and sand drifts – Sch.9.1 cl.12	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.44</i>
Conditions	Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. Permission may only be granted where, the proponent has: <ul style="list-style-type: none">i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works.ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works.iii. Provided evidence of sufficient Public Liability Insurance.iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

The Deputy CEO and Manager Engineering Services are delegated authority to:

- give notice to an owner / occupier of land if it is considered that clearing the owner / occupier's land might cause local government land having a common boundary, will be adversely affected by wind erosion or sand drift [ULP r.21(1)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Mr Alan Leeson, CEO

Local Government Act 1995

Delegation 1.33 Local laws made under Local Government Act 1995

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Principal EHO Principal Building Surveyor Manager of Corporate Services Manager Engineering Services Manager of Assets and Regulatory Services Manager of Community Development and Visitor Servicing Ranger

LEGAL (PARENT):	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42</i>
Conditions	Must comply with all relevant Policies.


POWER OR DUTY DELEGATED

The Deputy CEO, Principal EHO, Principal Building Surveyor, Manager of Corporate Services, Manager Engineering Services, Manager Assets and Regulatory Services, Manager of Community Development and Visitor Servicing and Ranger are delegated authority to undertake all the powers, duties and functions of the local government in all Local Laws made pursuant to the Local Government Act 1995.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Local Government Act 1995

Delegation 1.33a Local laws made under Local Government Act 1995

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Principal EHO Principal Building Surveyor Manager of Corporate Services Manager Engineering Services Manager of Assets and Regulatory Services Manager of Community Development and Visitor Servicing Ranger

LEGAL (PARENT): <i>Local Government Act 1995 s5.44</i>	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.44</i>
Conditions	Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

The Deputy CEO, Principal EHO, Principal Building Surveyor, Manager of Corporate Services, Manager Engineering Services, Manager Assets and Regulatory Services, Manager of Community Development and Visitor Servicing and Ranger are delegated authority to undertake all the powers, duties and functions of the local government in all Local Laws made pursuant to the Local Government Act 1995.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Mr Alan Leeson, CEO

2. Building Act 2011

Building Act 2011

Delegation 2.1 Grant a Building Permit

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	Principal Building Surveyor

<p>LEGAL (PARENT):</p> <p><i>Building Act 2011:</i> 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</p> <p><i>Building Regulations 2012:</i></p> <p>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))</p>	<p>LEGAL (SUBSIDIARY):</p> <p><i>Building Act 2011:</i></p> <p>s.127(1) & (3) Delegation: special permit authorities and local government</p> <p>s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)</p>
<p>Conditions</p>	<p>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</p> <p>Must comply with all relevant Policies.</p> <p>Prior to issuing a building licence in respect of an outbuilding which exceeds 75m² in area or 3m in height, the application shall be submitted to Council for consideration.</p>

POWER OR DUTY DELEGATED

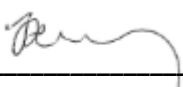
The Principal Building Surveyor is delegated authority to:

- require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)].
 - grant or refuse to grant a building permit [s.20(1) & (2) and s.22].
 - impose, vary or revoke conditions on a building permit [s.27(1) and (3)].
 - determine an application to extend time during which a building permit has effect [r.23];
- i. 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)]
 - ii. impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)].
 - approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Building Act 2011

Delegation 2.1a Grant a Building Permit

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	Principal Building Surveyor

<p>LEGAL (PARENT):</p> <p><i>Building Act 2011:</i> 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</p> <p><i>Building Regulations 2012:</i></p> <p>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))</p>	<p>LEGAL (SUBSIDIARY):</p> <p><i>Building Act 2011:</i></p> <p>s.127(1) & (3) Delegation: special permit authorities and local government</p> <p>s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)</p>		
Conditions	<p>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</p> <p>Must comply with all relevant Policies.</p> <p>Prior to issuing a building licence in respect of an outbuilding which exceeds 75m² in area or 3m in height, the application shall be submitted to Council for consideration.</p>		

POWER OR DUTY DELEGATED

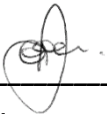
The Principal Building Surveyor is delegated authority to:

- require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)].
 - grant or refuse to grant a building permit [s.20(1) & (2) and s.22].
 - impose, vary or revoke conditions on a building permit [s.27(1) and (3)].
 - determine an application to extend time during which a building permit has effect [r.23];
- i. 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)]
 - ii. impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)].
- approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Mr Alan Leeson, CEO

Date: 16 March 2022

Building Act 2011

Delegation 2.2 Demolition Permits

DATE ADOPTED:	
DATE LAST REVIEWED:	
POLICY REFERENCE:	

DELEGATE:	CEO
SUB-DELEGATED:	YES
SUB-DELEGATED TO:	Principal Building Surveyor

<p>LEGAL (PARENT):</p> <p><i>Building Act 2011:</i></p> <p>s.18 Further Information, s.21 Grant of demolition permit, s.22 Further grounds for not granting an application, s.27(1) and (3) Impose Conditions on Permit</p> <p>Building Regulations 2012</p> <p>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))</p>
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<p>LEGAL (SUBSIDIARY):</p> <p><i>Building Act 2011:</i></p> <p>s.127(1) & (3) Delegation: special permit authorities and local government</p> <p>s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)</p>
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Conditions	<p>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</p> <p>Must comply with all relevant Policies.</p>
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POWER OR DUTY DELEGATED

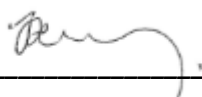
The Principal Building Surveyor is delegated authority to:

- require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)].
- grant or refuse to grant a building permit [s.20(1) & (2) and s.22].
- impose, vary or revoke conditions on a building permit [s.27(1) and (3)].
- determine an application to extend time during which a building permit has effect [r.23];
 - i. 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)]
 - ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)].
- approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Building Act 2011

Sub Delegation 2.2a Demolition Permits

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	Principal Building Surveyor

<p>LEGAL (PARENT): <i>Building Act 2011:</i> s.18 Further Information, s.21 Grant of demolition permit, s.22 Further grounds for not granting an application, s.27(1) and (3) Impose Conditions on Permit Building Regulations 2012 r.23 Application to extend time during which permit has effect (s.32), r.24 Extension of time during which permit has effect (s.32(3)), r.26 Approval of new responsible person (s.35(c))</p>	<p>LEGAL (SUBSIDIARY): <i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)</p>		
Conditions	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 Any employee exercising delegated authority is to be a designated employee for the purposes of s5.74, Code of Conduct and other related matters. Must comply with all relevant Policies.		

POWER OR DUTY DELEGATED

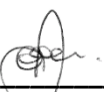
The Principal Building Surveyor is delegated authority to:

- require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)].
- grant or refuse to grant a building permit [s.20(1) & (2) and s.22].
- impose, vary or revoke conditions on a building permit [s.27(1) and (3)].
- determine an application to extend time during which a building permit has effect [r.23];
 - i. 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)]
 - ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)].
- approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Mr Alan Leeson, CEO

Date: 16 March 2022

Building Act 2011

Delegation 2.3 Occupancy Permits or Building Approval Certificates

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	Principal Building Surveyor

<p>LEGAL (PARENT):</p> <p><i>Building Act 2011:</i></p> <p>s.55 Further information</p> <p>s.58 Grant of occupancy permit, building approval certificate</p> <p>s.62(1) and (3) Conditions imposed by permit authority</p> <p>s.65(4) Extension of period of duration</p> <p>Building Regulations 2012</p> <p>r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)</p>	<p>LEGAL (SUBSIDIARY):</p> <p><i>Building Act 2011:</i></p> <p>s.127(1) & (3) Delegation: special permit authorities and local government</p> <p>s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)</p>		
Conditions	<p>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</p> <p>Must comply with all relevant Policies.</p>		

POWER OR DUTY DELEGATED

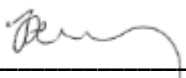
The Principal Building Surveyor is delegated authority to:

- require an applicant to provide any documentation or information required in order to determine an application [s.55].
- grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58].
- impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)].
- 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].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Building Act 2011

Sub Delegation 2.3a Occupancy Permits or Building Approval Certificates

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	Principal Building Surveyor

<p>LEGAL (PARENT): <i>Building Act 2011:</i> s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.62(1) and (3) Conditions imposed by permit authority s.65(4) Extension of period of duration Building Regulations 2012 r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)</p>	<p>LEGAL (SUBSIDIARY): <i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)</p>		
Conditions	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 Any employee exercising delegated authority is to be a designated employee for the purposes of s5.74, Code of Conduct and other related matters. Must comply with all relevant Policies.		

POWER OR DUTY DELEGATED

The Principal Building Surveyor is delegated authority to:

- require an applicant to provide any documentation or information required in order to determine an application [s.55].
- grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58].
- impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)].
- 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].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Mr Alan Leeson, CEO

Date: 16 March 2022

Building Act 2011

Delegation 2.4 Designate Employees as Authorised Persons

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	See Authorisation 11.2

<p>LEGAL (PARENT): <i>Building Act 2011:</i> s.96(3) authorised persons s.99(3) Limitation on powers of authorised person</p>	<p>LEGAL (SUBSIDIARY): <i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)</p>		
Conditions	Decisions under this delegated authority should be in accordance with r.5 of the Building Regulations 2012. Must be an employee of the Shire of Moora Must comply with all relevant Policies.		

POWER OR DUTY DELEGATED

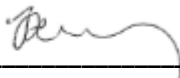
The Chief Executive Officer is delegated authority to:

- designate an employee as an authorised person [s.96(3)].
- 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)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Building Act 2011

Delegation 2.5 Building Orders

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	Principal Building Surveyor

<p>LEGAL (PARENT):</p> <p><i>Building Act 2011:</i> s.110(1) 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, s.118(2) and (3) Permit authority may give effect to building order if non-compliance, s.133(1) A permit authority may commence a prosecution for an offence against this Act</p>	<p>LEGAL (SUBSIDIARY):</p> <p><i>Building Act 2011:</i></p> <p>s.127(1) & (3) Delegation: special permit authorities and local government</p> <p>s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)</p>
Conditions	Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

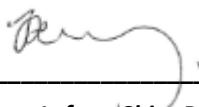
The Principal Building Surveyor is delegated authority to:

- make Building Orders in relation to:
 - i. Building work
 - ii. Demolition work
 - iii. An existing building or incidental structure [s.110(1)].
- give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)].
- revoke a building order [s.117].
- if there is non-compliance with a building order, cause an authorised person to:
 - i. take any action specified in the order; or
 - ii. commence or complete any work specified in the order; or
 - iii. 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)].
- 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)].
- initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the Building Act 2011.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Cr Tracy Lefroy, Shire President

Building Act 2011

Sub Delegation 2.5a Building Orders

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	Principal Building Surveyor

<p>LEGAL (PARENT):</p> <p><i>Building Act 2011:</i> s.110(1) 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, s.118(2) and (3) Permit authority may give effect to building order if non-compliance, s.133(1) A permit authority may commence a prosecution for an offence against this Act</p>	<p>LEGAL (SUBSIDIARY):</p> <p><i>Building Act 2011:</i></p> <p>s.127(1) & (3) Delegation: special permit authorities and local government</p> <p>s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)</p>		
Conditions	<p>Any employee exercising delegated authority is to be a designated employee for the purposes of s5.74, Code of Conduct and other related matters.</p> <p>Must comply with all relevant Policies.</p>		

POWER OR DUTY DELEGATED

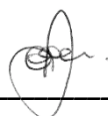
The Principal Building Surveyor is delegated authority to:

- make Building Orders in relation to:
 - i. Building work
 - ii. Demolition work
 - iii. An existing building or incidental structure [s.110(1)].
- give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)].
- revoke a building order [s.117].
- if there is non-compliance with a building order, cause an authorised person to:
 - i. take any action specified in the order; or
 - ii. commence or complete any work specified in the order; or
 - iii. 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)].
- 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)].
- initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the Building Act 2011.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Mr Alan Leeson, CEO

Building Act 2011

Delegation 2.6 Inspection and Copies of Building Records

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Principal Building Surveyor

LEGAL (PARENT): <i>Building Act 2011:</i> s.131(2) Inspection, copies of building records	LEGAL (SUBSIDIARY): <i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Conditions	Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

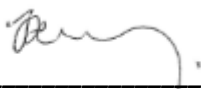
The Deputy CEO and Principal Building Surveyor are delegated authority to:

- determine an application from an interested person to inspect and copy a building record [s.131(2)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Cr Tracy Lefroy, Shire President

Building Act 2011

Sub Delegation 2.6a Inspection and Copies of Building Records

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Principal Building Surveyor

<p>LEGAL (PARENT): <i>Building Act 2011:</i> s.131(2) Inspection, copies of building records</p>	<p>LEGAL (SUBSIDIARY): <i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)</p>		
Conditions	<p>Any employee exercising delegated authority is to be a designated employee for the purposes of s5.74, Code of Conduct and other related matters. Must comply with all relevant Policies.</p>		

POWER OR DUTY DELEGATED

The Deputy CEO and Principal Building Surveyor are delegated authority to:

- determine an application from an interested person to inspect and copy a building record [s.131(2)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Mr Alan Leeson, CEO

Building Act 2011

Delegation 2.7 Referrals and Issuing Certificates

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Principal Building Surveyor

<p>LEGAL (PARENT): <i>Building Act 2011:</i> s.145A Local Government functions</p>	<p>LEGAL (SUBSIDIARY): <i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)</p>
Conditions	<p>Decisions under this delegated authority should be in accordance with r.5 of the Building Regulations 2012.</p> <p>Must comply with all relevant Policies.</p>

POWER OR DUTY DELEGATED

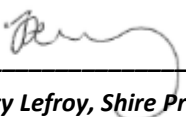
The Deputy CEO and Principal Building Surveyor are delegated authority to:

- refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)].
- issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire’s District [s.145A(2)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Building Act 2011

Sub Delegation 2.7a Referrals and Issuing Certificates

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Principal Building Surveyor

<p>LEGAL (PARENT): <i>Building Act 2011:</i> s.131(2) Inspection, copies of building records</p>	<p>LEGAL (SUBSIDIARY): <i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)</p>
<p>Conditions</p>	<p>Decisions under this delegated authority should be in accordance with r.5 of the Building Regulations 2012.</p> <p>Any employee exercising delegated authority is to be a designated employee for the purposes of s5.74, Code of Conduct and other related matters.</p> <p>Must comply with all relevant Policies.</p>

POWER OR DUTY DELEGATED

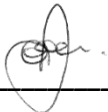
The Deputy CEO and Principal Building Surveyor are delegated authority to:

- refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)].
- issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire’s District [s.145A(2)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Mr Alan Leeson, CEO

Building Act 2011

Delegation 2.8 Private Pool Barrier – Alternative and Performance Solutions

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	Principal Building Surveyor Manager of Assets and Regulatory Services

LEGAL (PARENT): <i>Building Regulations 2012:</i> r.51 Approvals by permit authority	LEGAL (SUBSIDIARY): <i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Conditions	Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

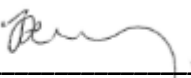
The Principal Building Surveyor and Manager of Assets and Regulatory Services are delegated authority to:

- approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926.1 [r.51(2)]
- 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)]
- 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)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Building Act 2011

Sub Delegation 2.8a Private Pool Barrier – Alternative and Performance Solutions

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	Principal Building Surveyor Manager of Assets and Regulatory Services

LEGAL (PARENT): <i>Building Regulations 2012:</i> r.51 Approvals by permit authority	LEGAL (SUBSIDIARY): <i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Conditions	Any employee exercising delegated authority is to be a designated employee for the purposes of s5.74, Code of Conduct and other related matters. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

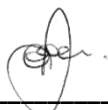
The Principal Building Surveyor and Manager of Assets and Regulatory Services are delegated authority to:

- approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926.1 [r.51(2)]
- 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)]
- 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)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Mr Alan Leeson, CEO

Building Act 2011

Delegation 2.9 Smoke Alarms – Alternative Solutions

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	Principal Building Surveyor

<p>LEGAL (PARENT):</p> <p><i>Building Regulations 2012:</i></p> <p>r.55 Terms Used (alternative building solution approval)</p> <p>r.61 Local Government approval of battery powered smoke alarms</p>	<p>LEGAL (SUBSIDIARY):</p> <p><i>Building Act 2011:</i></p> <p>s.127(1) & (3) Delegation: special permit authorities and local government</p> <p>s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)</p>
Conditions	Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

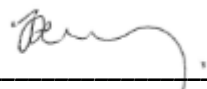
The Principal Building Surveyor is delegated authority to:

- approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55].
- approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Building Act 2011

Sub Delegation 2.9a Smoke Alarms – Alternative Solutions

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	Principal Building Surveyor

<p>LEGAL (PARENT):</p> <p><i>Building Regulations 2012:</i></p> <p>r.55 Terms Used (alternative building solution approval)</p> <p>r.61 Local Government approval of battery powered smoke alarms</p>	<p>LEGAL (SUBSIDIARY):</p> <p><i>Building Act 2011:</i></p> <p>s.127(1) & (3) Delegation: special permit authorities and local government</p> <p>s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)</p>		
Conditions	<p>Any employee exercising delegated authority is to be a designated employee for the purposes of s5.74, Code of Conduct and other related matters.</p> <p>Must comply with all relevant Policies.</p>		

POWER OR DUTY DELEGATED

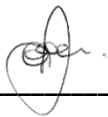
The Principal Building Surveyor is delegated authority to:

- approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55].
- approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Mr Alan Leeson, CEO

3. Bush Fires Act 1954

Bush Fires Act 1954

Delegation 3.1 Make Request to DFES Commissioner – Control of Fire

DATE ADOPTED:		DELEGATE:	CEO, President and Chief Bush Fire Control Officer
DATE LAST REVIEWED:		SUB-DELEGATED:	NO
POLICY REFERENCE:		SUB-DELEGATED TO:	<i>Sub-delegation is prohibited by s.48(3)</i>

LEGAL (PARENT): <i>Bush Fires Act 1954:</i> s.13(4) Duties and powers of bush fire liaison officers	LEGAL (SUBSIDIARY): <i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Conditions	Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

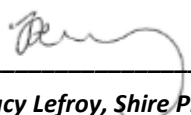
The CEO, President and Chief Bush Fire Control Officer are delegated authority to:

- request on behalf of the Shire that the DFES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s.13(4)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


_____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Bush Fires Act 1954

Delegation 3.2 Prohibited Burning Times - Vary

DATE ADOPTED:		DELEGATE:	CEO, President and Chief Bush Fire Control Officer
DATE LAST REVIEWED:		SUB-DELEGATED:	NO
POLICY REFERENCE:		SUB-DELEGATED TO:	<i>Sub-delegation is prohibited by s.48(3)</i>

<p>LEGAL (PARENT):</p> <p><i>Bush Fires Act 1954:</i></p> <p>s.17(7) Prohibited burning times may be declared by Minister</p> <p><i>Bush Fire Regulations 1954:</i></p> <p>r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.</p> <p>r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times</p> <p>r.39B Crop dusters etc., use of in restricted or prohibited burning times</p>	<p>LEGAL (SUBSIDIARY):</p> <p><i>Bush Fires Act 1954:</i></p> <p>s.48 Delegation by local government</p>
Conditions	<p>Decisions under s,17(7) must be undertake jointly by both the Shire President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).</p> <p>Must comply with all relevant Policies.</p>

POWER OR DUTY DELEGATED

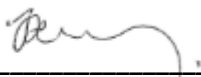
The CEO, President and Chief Bush Fire Control Officer are delegated authority to:

- where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer [s.17(7)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Cr Tracy Lefroy, Shire President

Bush Fires Act 1954

Delegation 3.3 Prohibited Burning Times – Control Activities

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	NO
POLICY REFERENCE:		SUB-DELEGATED TO:	<i>Sub-delegation is prohibited by s.48(3)</i>

<p>LEGAL (PARENT):</p> <p><i>Bush Fires Act 1954:</i></p> <p>s.17(7) Prohibited burning times may be declared by Minister</p> <p>s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions</p> <p>s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land</p> <p><i>Bush Fire Regulations 1954:</i></p> <p>r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.</p> <p>r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times</p> <p>r.39B Crop dusters etc., use of in restricted or prohibited burning times</p>	<p>LEGAL (SUBSIDIARY):</p> <p><i>Bush Fires Act 1954:</i></p> <p>s.48 Delegation by local government</p>	
Conditions	<p>Decisions under s,17(7) must be undertaken jointly by both the Shire President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).</p> <p>Must comply with all relevant Policies.</p>	

POWER OR DUTY DELEGATED

The CEO is delegated authority to:

- determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15].
- declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].
- determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)].
- issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].
- prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)]
- recover the cost of measures taken by the Shire or Chief Bush Fire Control Officer, to extinguish a fire burning during Prohibited Burning Times, where the occupier of the land has failed to comply with

requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Cr Tracy Lefroy, Shire President

Bush Fires Act 1954

Delegation 3.4 Prohibited Restricted Burning Times – Vary and Control Activities

DATE ADOPTED:	
DATE LAST REVIEWED:	
POLICY REFERENCE:	

DELEGATE:	CEO
SUB-DELEGATED:	NO
SUB-DELEGATED TO:	<i>Sub-delegation is prohibited by s.48(3)</i>

<p>LEGAL (PARENT):</p> <p><i>Bush Fires Act 1954:</i></p> <p>s.18(5), (11) Restricted burning times may be declared by DFES Commissioner</p> <p>s.22(6) and (7) Burning on exempt land and land adjoining exempt land</p> <p>s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions</p> <p>s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land</p> <p><i>Bush Fire Regulations 1954:</i></p> <p>r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.</p> <p>r.15C Local Government may prohibit burning on certain days</p> <p>r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times</p> <p>r.39B Crop dusters etc., use of in restricted or prohibited burning times</p>

<p>LEGAL (SUBSIDIARY):</p> <p><i>Bush Fires Act 1954:</i></p> <p>s.48 Delegation by local government</p>

Conditions	Must comply with all relevant Policies.
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POWER OR DUTY DELEGATED

The CEO is delegated authority to:

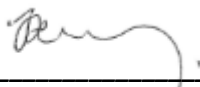
- where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18(5)].
 - i. determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C].
- where a permitted burn fire escapes or is out of control in the opinion of the Chief Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)].
- determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15].
- arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)].

- declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].
- determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B].
- issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].
- prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].
- recover the cost of measures taken by the Shire or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Cr Tracy Lefroy, Shire President

Bush Fires Act 1954

Delegation 3.5 Control of Operations Likely to Create Bush Fire Danger

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	NO
POLICY REFERENCE:		SUB-DELEGATED TO:	<i>Sub-delegation is prohibited by s.48(3)</i>

<p>LEGAL (PARENT):</p> <p><i>Bush Fires Act 1954:</i></p> <p>s.27D Requirements for carriage and deposit of incendiary material</p> <p><i>Bush Fires Regulations 1954:</i></p> <p>r.39C Welding and cutting apparatus, use of in open air</p> <p>r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc.</p> <p>r.39D Explosives, use of</p> <p>r.39E Fireworks, use of</p>	<p>LEGAL (SUBSIDIARY):</p> <p><i>Bush Fires Act 1954:</i></p> <p>s.48 Delegation by local government</p>
Conditions	Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

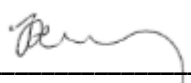
The CEO is delegated authority to:

- give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from:
 - i. a person operating a bee smoker device during a prescribed period [r.39CA(5)].
 - ii. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)].
 - iii. a person using explosives [r.39D(2)].
 - iv. a person using fireworks [r.39E(3)]
- determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D]. Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Bush Fires Act 1954

Delegation 3.6 Burning Garden Refuse / Open Air Fires

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	NO
POLICY REFERENCE:		SUB-DELEGATED TO:	<i>Sub-delegation is prohibited by s.48(3)</i>

<p>LEGAL (PARENT):</p> <p><i>Bush Fires Act 1954:</i></p> <p>s.24F Burning garden refuse during limited burning times</p> <p>s.24G Minister or local government may further restrict burning of garden refuse</p> <p>s.25 No fire to be lit in open air unless certain precautions taken</p> <p>s.25A Power of Minister to exempt from provisions of section 25</p> <p><i>Bush Fires Regulations 1954:</i></p> <p>r.27(3) Permit, issue of</p>	<p>LEGAL (SUBSIDIARY):</p> <p><i>Bush Fires Act 1954:</i></p> <p>s.48 Delegation by local government</p>
Conditions	Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

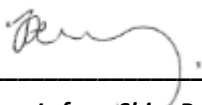
The CEO is delegated authority to:

- give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)].
- prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)].
 - i. Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3) and r.33(5)].
 - ii. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plan growing upon any land within the District [r.34].
- provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of:
 - i. camping or cooking [s.25(1)(a)].
 - ii. conversion of bus into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)].
- prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s.25(1a) and (1b)].
- serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Cr Tracy Lefroy, Shire President

Bush Fires Act 1954

Delegation 3.7 Firebreaks

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	NO
POLICY REFERENCE:		SUB-DELEGATED TO:	<i>Sub-delegation is prohibited by s.48(3)</i>

LEGAL (PARENT): <i>Bush Fires Act 1954:</i> s.33 Local government may require occupier of land to plough or clear fire-breaks	LEGAL (SUBSIDIARY): <i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Conditions	Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

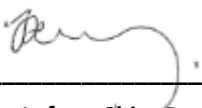
The CEO is delegated authority to:

- give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Shire:
 - i. clearing of firebreaks as determined necessary and specified in the notice; and
 - ii. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and
 - iii. as a separate or coordinated action with any other person carry out similar actions [s.33(1)].
- direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)].
 - i. recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Bush Fires Act 1954

Delegation 3.8 Appoint Bush Fire Control Officer/s and Fire Weather Officer

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	NO
POLICY REFERENCE:		SUB-DELEGATED TO:	<i>Sub-delegation is prohibited by s.48(3)</i>

LEGAL (PARENT): <i>Bush Fires Act 1954:</i> s.38 Local Government may appoint bush fire control officer	LEGAL (SUBSIDIARY): <i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Conditions	Must comply with all relevant Policies.

POWER OR DUTY DELEGATED


The CEO is delegated authority to:

- appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and
 - i. Of those Officers, appoint 2 as the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer; and
 - ii. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)].
- issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire [s.38(5A)]
- appoint Fire Weather Officers, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)].
 - i. Authority to appoint Deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Bush Fires Act 1954

Delegation 3.9 Control and Extinguishment of Bush Fires

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	NO
POLICY REFERENCE:		SUB-DELEGATED TO:	<i>Sub-delegation is prohibited by s.48(3)</i>

LEGAL (PARENT): <i>Bush Fires Act 1954:</i> s.46 Bush fire control officer or forest officer may postpone lighting fire	LEGAL (SUBSIDIARY): <i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Conditions	Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

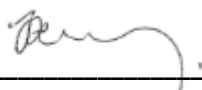
The CEO is delegated authority to:

- prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46(1A)].
- i. Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised CALM Act office is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Bush Fires Act 1954

Delegation 3.10 Apply for Declaration as an Approved Area

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	NO
POLICY REFERENCE:		SUB-DELEGATED TO:	<i>Sub-delegation is prohibited by s.48(3)</i>

LEGAL (PARENT): <i>Bush Fires Act 1954:</i> s.52(1) Approved area may be declared	LEGAL (SUBSIDIARY): <i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Conditions	Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

The CEO is delegated authority to:

- apply to the Minister to have the local government district, or part of the district, declared as an approved area. [s.50(1)]

(Note - The declaration of a district, or part thereof, as an approved area, results in a reduction in insurance premium of crops within that area s.53.)

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Cr Tracy Lefroy, Shire President

Bush Fires Act 1954

Delegation 3.11 Recovery of Expenses Incurred through Contraventions of this Act

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	NO
POLICY REFERENCE:		SUB-DELEGATED TO:	<i>Sub-delegation is prohibited by s.48(3)</i>

LEGAL (PARENT): <i>Bush Fires Act 1954:</i> s.58 General penalty and recovery of expenses incurred	LEGAL (SUBSIDIARY): <i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Conditions	Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

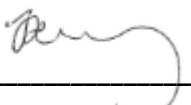
The CEO is delegated authority to:

- recover expenses incurred as a result of an offence against the Bush Fires Act, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Shire or those on behalf of the Shire to do [s.58].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Bush Fires Act 1954

Delegation 3.12 Recovery of Expenses Incurred through Contraventions of this Act

DATE ADOPTED:		DELEGATE:	CEO Bush Fire Control Officer
DATE LAST REVIEWED:		SUB-DELEGATED:	NO
POLICY REFERENCE:		SUB-DELEGATED TO:	<i>Sub-delegation is prohibited by s.48(3)</i>

LEGAL (PARENT): <i>Bush Fires Act 1954:</i> s.59 Prosecution of offences s.59A(2) Alternative procedure – infringement notices	LEGAL (SUBSIDIARY): <i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Conditions	Only the Chief Executive Officer or the Shire President may withdraw infringement notices pursuant to S59A (3) Bush Fires Act 1954 and R4 Bush Fires (Infringements) Regulations 1958. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

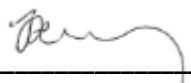
The CEO and, Bush Fire Control Officer are delegated authority to serve an infringement notice for an offence against this Act [s.59A(2)].

The CEO may institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Bush Fires Act 1954

Delegation 3.13 Local Laws made under Bush Fires Act 1954

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	NO
POLICY REFERENCE:		SUB-DELEGATED TO:	<i>Sub-delegation is prohibited by s.48(3)</i>

LEGAL (PARENT): <i>Bush Fires Act 1954:</i> s.59 Prosecution of offences s.59A(2) Alternative procedure – infringement notices	LEGAL (SUBSIDIARY): <i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Conditions	Only the Chief Executive Officer or the Shire President may withdraw infringement notices pursuant to S59A (3) Bush Fires Act 1954 and R4 Bush Fires (Infringements) Regulations 1958. Must comply with all relevant Policies.

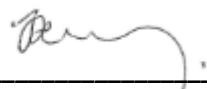
POWER OR DUTY DELEGATED

The CEO is delegated authority to undertake all the powers, duties and functions of the local government in all Local Laws made pursuant to the Bush Fires Act 1954.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

4. Cat Act 2011

Cat Act 2011

Delegation 4.1 Cat Registrations

DATE ADOPTED:	
DATE LAST REVIEWED:	
POLICY REFERENCE:	

DELEGATE:	CEO
SUB-DELEGATED:	YES
SUB-DELEGATED TO:	DCEO Manager of Corporate Services Ranger

LEGAL (PARENT): <i>Cat Act 2011:</i> s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags <i>Cat Regulations 2012</i> Schedule 3, cl.1(4) Fees Payable
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LEGAL (SUBSIDIARY): <i>Cat Act 2011:</i> s.44 Delegation by local government s.45 Delegation by CEO of local government

Conditions	Any employee exercising delegated authority is to be a designated employee for the purposes of s5.74, Code of Conduct and other related matters. Must comply with all relevant Policies.
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POWER OR DUTY DELEGATED

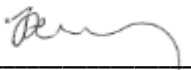
The Deputy CEO, Manager of Corporate Services and Ranger are delegated authority to:

- grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)].
- refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)].
- cancel a cat registration [s.10].
- give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)].
- reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire's District [Regs. Sch. 3 cl.1(4)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Cr Tracy Lefroy, Shire President

Date: 16 March 2022

Cat Act 2011

Delegation 4.1a Cat Registrations

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Manager of Corporate Services Ranger

LEGAL (PARENT): <i>Cat Act 2011:</i> s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags <i>Cat Regulations 2012</i> Schedule 3, cl.1(4) Fees Payable	LEGAL (SUBSIDIARY): <i>Cat Act 2011:</i> s.44 Delegation by local government s.45 Delegation by CEO of local government
Conditions	Any employee exercising delegated authority is to be a designated employee for the purposes of s5.74, Code of Conduct and other related matters. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED


The Deputy CEO, Manager of Corporate Services and Ranger are delegated authority to:

- grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)].
- refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)].
- cancel a cat registration [s.10].
- give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)].
- reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire’s District [Regs. Sch. 3 cl.1(4)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Mr Alan Leeson, CEO

Cat Act 2011

Delegation 4.2 Cat Control Notices

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	Deputy CEO Ranger
LEGAL (PARENT): <i>Cat Act 2011:</i> s.26 Cat control notice may be given to cat owner		LEGAL (SUBSIDIARY): <i>Cat Act 2011:</i> s.44 Delegation by local government s.45 Delegation by CEO of local government	
Conditions	Must comply with all relevant Policies.		

POWER OR DUTY DELEGATED


The Deputy Chief Executive Officer and Ranger are delegated authority to:

- give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire’s District [s.26].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Cat Act 2011

Delegation 4.2a Cat Control Notices

DATE ADOPTED:	
DATE LAST REVIEWED:	
POLICY REFERENCE:	

DELEGATE:	CEO
SUB-DELEGATED:	YES
SUB-DELEGATED TO:	Deputy CEO Ranger

<p>LEGAL (PARENT): <i>Cat Act 2011:</i> s.26 Cat control notice may be given to cat owner</p>
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<p>LEGAL (SUBSIDIARY): <i>Cat Act 2011:</i> s.44 Delegation by local government s.45 Delegation by CEO of local government</p>
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Conditions	Any employee exercising delegated authority is to be a designated employee for the purposes of s5.74, Code of Conduct and other related matters. Must comply with all relevant Policies.
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POWER OR DUTY DELEGATED

The Deputy CEO and Ranger are delegated authority to:

- give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire’s District [s.26].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Mr Alan Leeson, CEO

Cat Act 2011

Delegation 4.3 Approval to Breed Cats

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Ranger

<p>LEGAL (PARENT):</p> <p><i>Cat Act 2011:</i></p> <p>s.37 Approval to Breed Cats</p> <p>s.38 Cancellation of approval to breed cats</p> <p>s.39 Certificate to be given to approved cat breeder</p>	<p>LEGAL (SUBSIDIARY):</p> <p><i>Cat Act 2011:</i></p> <p>s.44 Delegation by local government</p> <p>s.45 Delegation by CEO of local government</p>
Conditions	<p>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>.</p> <p>Must comply with all relevant Policies.</p>

POWER OR DUTY DELEGATED

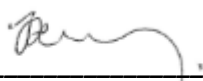
The Deputy CEO and Ranger is delegated authority to:

- grant or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)].
- refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)].
- cancel an approval to breed cats [s.38].
- to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Cr Tracy Lefroy, Shire President

Cat Act 2011

Delegation 4.3a Approval to Breed Cats

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Ranger

<p>LEGAL (PARENT): <i>Cat Act 2011:</i> s.37 Approval to Breed Cats s.38 Cancellation of approval to breed cats s.39 Certificate to be given to approved cat breeder</p>	<p>LEGAL (SUBSIDIARY): <i>Cat Act 2011:</i> s.44 Delegation by local government s.45 Delegation by CEO of local government</p>
<p>Conditions</p>	<p>Any employee exercising delegated authority is to be a designated employee for the purposes of s5.74, Code of Conduct and other related matters.</p> <p>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>.</p> <p>Must comply with all relevant Policies.</p>

POWER OR DUTY DELEGATED


The Deputy CEO and Ranger are delegated authority to:

- grant or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)].
- refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)].
- cancel an approval to breed cats [s.38].
- to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Mr Alan Leeson, CEO

Cat Act 2011

Delegation 4.4 Appoint Authorised Persons

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	See Authorisation 11.6

LEGAL (PARENT): <i>Cat Act 2011:</i> s. 48 Authorised persons	LEGAL (SUBSIDIARY): <i>Cat Act 2011:</i> s.44 Delegation by local government s.45 Delegation by CEO of local government
Conditions	Only the CEO is authorised to commence legal proceedings under the Act. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

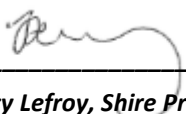
The Chief Executive Officer is delegated authority to:

- appoint authorised persons by issuing a certificate of authorisation [s.48].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Cat Act 2011

Delegation 4.5 Applications to Keep Additional Cats

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Ranger

LEGAL (PARENT): <i>Cat (Uniform Local Provisions) Regulations 2013:</i> r.8 Application to keep additional number of cats r.9 Grant of approval to keep additional number of cats	LEGAL (SUBSIDIARY): <i>Cat Act 2011:</i> s.44 Delegation by local government s.45 Delegation by CEO of local government
Conditions	Notices of decisions must include advice as to Review rights in accordance with r.11 of the <i>Cat (Uniform Local Provisions) Regulations 2013</i> . Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

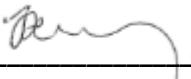
The Deputy CEO and Ranger are delegated authority to:

- require any document or additional information required to determine an application [r.8(3)]
- refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)].
- grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Cat Act 2011

Delegation 4.5a Applications to Keep Additional Cats

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Ranger

LEGAL (PARENT): <i>Cat (Uniform Local Provisions) Regulations 2013:</i> r.8 Application to keep additional number of cats r.9 Grant of approval to keep additional number of cats		LEGAL (SUBSIDIARY): <i>Cat Act 2011:</i> s.44 Delegation by local government s.45 Delegation by CEO of local government	
Conditions	Any employee exercising delegated authority is to be a designated employee for the purposes of s5.74, Code of Conduct and other related matters. Notices of decisions must include advice as to Review rights in accordance with r.11 of the <i>Cat (Uniform Local Provisions) Regulations 2013</i> . Must comply with all relevant Policies.		

POWER OR DUTY DELEGATED

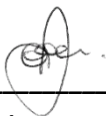
The Deputy CEO and Ranger are delegated authority to:

- require any document or additional information required to determine an application [r.8(3)]
- refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)].
- grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Mr Alan Leeson, CEO

Cat Act 2011

Delegation 4.6 Local Laws made under the Cat Act 2011

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Ranger

LEGAL (PARENT):	LEGAL (SUBSIDIARY): <i>Cat Act 2011:</i> s.44 Delegation by local government s.45 Delegation by CEO of local government
Conditions	Must comply with all relevant Policies.

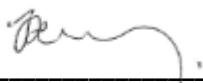
POWER OR DUTY DELEGATED

The Deputy CEO and Ranger delegated authority to undertake all the powers, duties and functions of the local government in all Local Laws made pursuant to the Cat Act 2011.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Cr Tracy Lefroy, Shire President

Cat Act 2011

Delegation 4.6a Local Laws made under the Cat Act 2011

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Ranger

LEGAL (PARENT):	LEGAL (SUBSIDIARY): <i>Cat Act 2011:</i> s.44 Delegation by local government s.45 Delegation by CEO of local government
Conditions	Any employee exercising delegated authority is to be a designated employee for the purposes of s5.74, Code of Conduct and other related matters. Must comply with all relevant Policies.

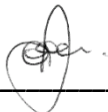
POWER OR DUTY DELEGATED

The Deputy CEO and Ranger are delegated authority to undertake all the powers, duties and functions of the local government in all Local Laws made pursuant to the Cat Act 2011.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Mr Alan Leeson, CEO

5. Dog Act 1976

Dog Act 1976

Delegation 5.1 Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Ranger

LEGAL (PARENT): <i>Dog Act 1976:</i> s.10A Payments to veterinary surgeons towards costs of sterilisation	LEGAL (SUBSIDIARY): <i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Conditions	Delegation, and any sub delegation does not include provisions of s31(2B), (3A) - Control of Dogs in certain public places - need absolute majority so must remain Council decision. The Chief Executive Officer may further delegate (sub-delegate) to persons which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED


The Deputy CEO and Ranger are delegated authority to:

- determine where a resident who is the owner of a registered dog, would suffer hardship in paying the whole of the cost of sterilisation and determine to pay part of such costs to a maximum value of \$150 [s.10A(1)(a) and (3)].
- give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation [s.10A(1)(b) and (2)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


_____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Dog Act 1976

Delegation 5.1a Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons

DATE ADOPTED:	
DATE LAST REVIEWED:	
POLICY REFERENCE:	

DELEGATE:	CEO
SUB-DELEGATED:	YES
SUB-DELEGATED TO:	DCEO Ranger

LEGAL (PARENT): <i>Dog Act 1976:</i> s.10A Payments to veterinary surgeons towards costs of sterilisation
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LEGAL (SUBSIDIARY): <i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties

Conditions	Any employee exercising delegated authority is to be a designated employee for the purposes of s5.74, Code of Conduct and other related matters. Must comply with all relevant Policies.
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POWER OR DUTY DELEGATED


The Deputy CEO and Ranger are delegated authority to:

- determine where a resident who is the owner of a registered dog, would suffer hardship in paying the whole of the cost of sterilisation and determine to pay part of such costs to a maximum value of \$150[s.10A(1)(a) and (3)]. Any such proposed determination must be approved by CEO.
- give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation [s.10A(1)(b) and (2)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Mr Alan Leeson, CEO

Date: 16 March 2022

Dog Act 1976

Delegation 5.2 Refuse or Cancel Registration

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Ranger

<p>LEGAL (PARENT): <i>Dog Act 1976:</i> s.15(2) and (4A) Registration periods and fees s.16(3) Registration procedure s.17A(2) If no application for registration made s.17(4) and (6) Refusal or cancellation of registration</p>	<p>LEGAL (SUBSIDIARY): <i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties</p>
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Conditions	<p>The Chief Executive Officer may further delegate (sub-delegate) to persons which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</p> <p>Must comply with all relevant Policies.</p>
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POWER OR DUTY DELEGATED

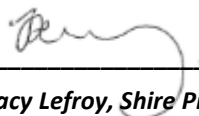
The Deputy CEO and Ranger are delegated authority to:

- determine to refuse a dog registration and refund the fee, if any [s.16(2)].
- direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where:
 - i. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the Cat Act 2011 or the Animal Welfare Act 2002; or
 - ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or
 - iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept
 - iv. the dog is required to be microchipped but is not microchipped; or
 - v. the dog is a dangerous dog [s.16(3) and s.17A(2)].
- discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire’s District [s15(4A)].
- apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s.17(4)].
 - i. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had been found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Cr Tracy Lefroy, Shire President

Dog Act 1976

Delegation 5.2a Refuse or Cancel Registration

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Ranger

<p>LEGAL (PARENT): <i>Dog Act 1976:</i> s.15(2) and (4A) Registration periods and fees s.16(3) Registration procedure s.17A(2) If no application for registration made s.17(4) and (6) Refusal or cancellation of registration</p>	<p>LEGAL (SUBSIDIARY): <i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties</p>
Conditions	<p>Any employee exercising delegated authority is to be a designated employee for the purposes of s5.74, Code of Conduct and other related matters.</p> <p>Must comply with all relevant Policies.</p>

POWER OR DUTY DELEGATED

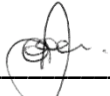
The Deputy CEO and Ranger are delegated authority to:

- determine to refuse a dog registration and refund the fee, if any [s.16(2)].
- direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where:
 - i. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the Cat Act 2011 or the Animal Welfare Act 2002; or
 - ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or
 - iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept
 - iv. the dog is required to be microchipped but is not microchipped; or
 - v. the dog is a dangerous dog [s.16(3) and s.17A(2)].
- discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire's District [s15(4A)].
- apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s.17(4)].
 - i. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had been found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Mr Alan Leeson, CEO

Dog Act 1976

Delegation 5.3 Authorised Persons

DATE ADOPTED:	
DATE LAST REVIEWED:	
POLICY REFERENCE:	

DELEGATE:	CEO
SUB-DELEGATED:	YES
SUB-DELEGATED TO:	See Authorisation 11.7

LEGAL (PARENT): <i>Dog Act 1976:</i> s.11(1) Staff and Services
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LEGAL (SUBSIDIARY): <i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties

POWER OR DUTY DELEGATED

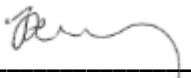
The Chief Executive Officer is appointed an Authorised Person, for all purposes of the Dog Act, **specifically** s.33F(6) (Owners to be notified of making of declaration), s.33G(4) (Seizure and destruction), s.33H(1) (Local government may revoke declaration or proposal to destroy unless otherwise provided), and s.44(2)(B) (initiate legal proceedings) and is delegated authority to:

- appoint Registration Officers to exercise the powers and duties conferred on a Registration Officer by this Act (s.3).
- appoint authorised persons to exercise the powers conferred on an authorised person by the Act s.11(1).

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


_____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Dog Act 1976

Delegation 5.4 Recovery of Moneys Due Under this Act

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	NO
POLICY REFERENCE:		SUB-DELEGATED TO:	

LEGAL (PARENT): <i>Dog Act 1976:</i> s.29(5) Power to seize dogs	LEGAL (SUBSIDIARY): <i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
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Conditions	The Chief Executive Officer may further delegate (sub-delegate) to persons which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. Must comply with all relevant Policies.
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POWER OR DUTY DELEGATED

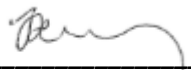
The Chief Executive Officer is delegated authority to:

- recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


_____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Dog Act 1976

Delegation 5.5 Dispose of or Sell Dogs Liable to be Destroyed

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Ranger

LEGAL (PARENT): <i>Dog Act 1976:</i> s.29(11) Power to seize dogs	LEGAL (SUBSIDIARY): <i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Conditions	The Chief Executive Officer may further delegate (sub-delegate) to persons which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. Proceeds from the sale of dogs are to be directed into the Municipal Fund. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

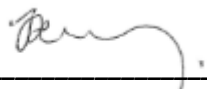
The Deputy CEO and Ranger are delegated authority to:

- dispose of or sell a dog which is liable to be destroyed [s.29(11)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


_____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Dog Act 1976

Delegation 5.5a Dispose of or Sell Dogs Liable to be Destroyed

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Ranger

LEGAL (PARENT): <i>Dog Act 1976:</i> s.29(11) Power to seize dogs	LEGAL (SUBSIDIARY): <i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Conditions	Any employee exercising delegated authority is to be a designated employee for the purposes of s5.74, Code of Conduct and other related matters. Proceeds from the sale of dogs are to be directed into the Municipal Fund. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

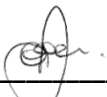
The Deputy CEO and Ranger are delegated authority to:

- dispose of or sell a dog which is liable to be destroyed [s.29(11)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Mr Alan Leeson, CEO

Dog Act 1976

Delegation 5.6 Local Laws made under the Dog Act 1976

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Ranger

LEGAL (PARENT): <i>Dog Act 1976:</i>	LEGAL (SUBSIDIARY): <i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Conditions	<p>Delegation, and any sub delegation does not include provisions of s31(2B), (3A) - Control of Dogs in certain public places - need absolute majority so must remain Council decision.</p> <p>The Chief Executive Officer may further delegate (sub-delegate) to persons which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</p> <p>Must comply with all relevant Policies.</p>

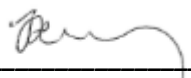
POWER OR DUTY DELEGATED

The Deputy CEO and Ranger are delegated authority to undertake all the powers, duties and functions of the local government in all Local Laws made pursuant to the Dog Act 1976 unless otherwise provided.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Dog Act 1976

Delegation 5.6a Local Laws made under the Dog Act 1976

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Ranger

LEGAL (PARENT): <i>Dog Act 1976:</i> s.33E(1) Individual dog may be declared to be dangerous dog (declared)	LEGAL (SUBSIDIARY): <i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Conditions	Delegation, and any sub delegation does not include provisions of s31(2B), (3A) - Control of Dogs in certain public places - need absolute majority so must remain Council decision. Any employee exercising delegated authority is to be a designated employee for the purposes of s5.74, Code of Conduct and other related matters. Must comply with all relevant Policies.

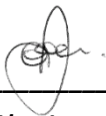
POWER OR DUTY DELEGATED

The Deputy CEO and Ranger are delegated authority to undertake all the powers, duties and functions of the local government in all Local Laws made pursuant to the Dog Act 1976, unless otherwise provided.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Mr Alan Leeson, CEO

Dog Act 1976

Delegation 5.7 Authority to exercise any of the local government's powers or duties under the Dog Act 1976, Regulations, and the Dog Local Law.

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Ranger

LEGAL (PARENT): <i>Dog Act 1976</i>	LEGAL (SUBSIDIARY): <i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Conditions	Delegation, and any sub delegation does not include provisions of s31(2B), (3A) - Control of Dogs in certain public places - need absolute majority so must remain Council decision. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

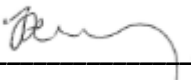
The Deputy CEO and Ranger are delegated authority to exercise any of the local government's powers or discharge any of its duties under the Dog Act 1976, Regulations, and the Dog Local Law.

Note: this includes decisions pursuant to s26, 27 of the Dog Act 1976 and the Shire of Moora Dog Local Law regarding the keeping of, and limitations on the number of dogs.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


_____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Dog Act 1976

Sub Delegation 5.7a Authority to exercise any of the local government's powers or duties under the Dog Act 1976, Regulations, and the Dog Local Law.

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Ranger

LEGAL (PARENT): <i>Dog Act 1976</i>	LEGAL (SUBSIDIARY): <i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Conditions	Delegation, and any sub delegation does not include provisions of s31(2B), (3A) - Control of Dogs in certain public places - need absolute majority so must remain Council decision. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED


The Deputy CEO and Ranger are delegated authority to exercise any of the local government's powers or duties under the Dog Act 1976, Regulations, and the Dog Local Law.

Note: this includes decisions pursuant to s26, 27 of the Dog Act 1976 and the Shire of Moora Dog Local Law regarding the keeping of, and limitations on the number of dogs.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Mr Alan Leeson, CEO

Date: 16 March 2022

6. Food Act 2008

Food Act 2008

Delegation 6.1 Determine Compensation

DATE ADOPTED:		DELEGATE:	CEO Principal Environmental Health Officer
DATE LAST REVIEWED:		SUB-DELEGATED:	NO
POLICY REFERENCE:		SUB-DELEGATED TO:	CANNOT BE SUB DELEGATED

LEGAL (PARENT): <i>Food Act 2008:</i> s.56(2) Compensation to be paid in certain circumstances s.70(2) and (3) Compensation	LEGAL (SUBSIDIARY): <i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Conditions	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$500. Compensation requests above this value are to be reported to Council. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

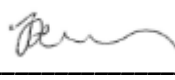
The CEO and Principal Environmental Health Officer are delegated authority to:

- determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s.56(2)].
- determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2) and (3)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


_____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Food Act 2008

Delegation 6.2 Prohibition Orders

DATE ADOPTED:	
DATE LAST REVIEWED:	
POLICY REFERENCE:	

DELEGATE:	CEO Principal Environmental Health Officer
SUB-DELEGATED:	NO
SUB-DELEGATED TO:	CANNOT BE SUB DELEGATED

<p>LEGAL (PARENT):</p> <p><i>Food Act 2008:</i></p> <p>s.65(1) Prohibition orders</p> <p>s.66 Certificate of clearance to be given in certain circumstances</p> <p>s.67(4) Request for re-inspection</p>

<p>LEGAL (SUBSIDIARY):</p> <p><i>Food Act 2008:</i></p> <p>s.118 Functions of enforcement agencies and delegation</p> <p>(2)(b) Enforcement agency may delegate a function conferred on it</p> <p>(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]</p> <p>(4) Sub-delegation permissible only if expressly provided in regulations</p>
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Conditions	<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.</p> <p>Must comply with all relevant Policies.</p>
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POWER OR DUTY DELEGATED


The CEO and Principal Environmental Health Officer are delegated 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)].
- give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66].
- 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)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Food Act 2008

Delegation 6.3 Food Business Registrations

DATE ADOPTED:		DELEGATE:	CEO Principal Environmental Health Officer
DATE LAST REVIEWED:		SUB-DELEGATED:	NO
POLICY REFERENCE:		SUB-DELEGATED TO:	CANNOT BE SUB DELEGATED

<p>LEGAL (PARENT):</p> <p><i>Food Act 2008:</i></p> <p>s.110(1) and (5) Registration of food business</p> <p>s.112 Variation of conditions or cancellation of registration of food businesses</p>	<p>LEGAL (SUBSIDIARY):</p> <p><i>Food Act 2008:</i></p> <p>s.118 Functions of enforcement agencies and delegation</p> <p>(2)(b) Enforcement agency may delegate a function conferred on it</p> <p>(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]</p> <p>(4) Sub-delegation permissible only if expressly provided in regulations</p>
<p>Conditions</p>	<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"> • Food Act 2008 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 <p>Must comply with all relevant Policies.</p>

POWER OR DUTY DELEGATED

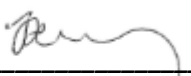
The CEO and Principal Environmental Health Officer are delegated authority to:

- 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)].
- vary the conditions or cancel the registration of a food business [s.112].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Food Act 2008

Delegation 6.4 Appoint Authorised Officers and Designated Officers

DATE ADOPTED:		DELEGATE:	CEO Principal Environmental Health Officer
DATE LAST REVIEWED:		SUB-DELEGATED:	NO
POLICY REFERENCE:		SUB-DELEGATED TO:	See Authorisation 11.11

<p>LEGAL (PARENT): <i>Food Act 2008:</i> s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers</p>	<p>LEGAL (SUBSIDIARY): <i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation, (2)(b) Enforcement agency may delegate a function conferred on it, (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120], (4) Sub-delegation permissible only if expressly provided in regulations</p>
<p>Conditions</p>	<p>An enforcement agency may appoint a person to be an authorised officer for the purposes of this Act if — (a) the enforcement agency, having regard to any guidelines issued by the CEO under subsection (2), considers the person has appropriate qualifications and experience to perform the functions of an authorised officer; or (b) the person holds office as an environmental health officer under the Health Act 1911.</p> <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"> • Appointment of Authorised Officers as Meat Inspectors • Appointment of Authorised Officers • Appointment of Authorised Officers – Designated Officers only • Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer <p>Must comply with all relevant Policies.</p>

POWER OR DUTY DELEGATED

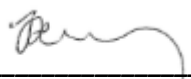
The CEO and Principal Environmental Health Officer are:

- appointed an authorised officer for the purposes of the Food Act 2008 [s.122(2)].
- appointed an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the *Public Health Act 2016*, to be a Designated Officer for the purposes of issuing Infringement Notices under the *Food Act 2008* [s.126(13)].
- appointed 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)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Food Act 2008

Delegation 6.5 Debt Recovery and Prosecutions

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	NO
POLICY REFERENCE:		SUB-DELEGATED TO:	CANNOT BE SUB DELEGATED

<p>LEGAL (PARENT):</p> <p><i>Food Act 2008:</i></p> <p>s.54 Cost of destruction or disposal of forfeited item</p> <p>s.125 Institution of proceedings</p>	<p>LEGAL (SUBSIDIARY):</p> <p><i>Food Act 2008:</i></p> <p>s.118 Functions of enforcement agencies and delegation</p> <p>(2)(b) Enforcement agency may delegate a function conferred on it</p> <p>(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]</p> <p>(4) Sub-delegation permissible only if expressly provided in regulations</p>		
Conditions	<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.</p> <p>Must comply with all relevant Policies.</p>		

POWER OR DUTY DELEGATED

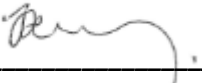
The CEO is delegated authority to:

- recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)].
- institute proceedings for an offence under the Food Act 2008 [s.125].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Food Act 2008

Delegation 6.6 Food Businesses List – Public Access

DATE ADOPTED:		DELEGATE:	CEO Principal Environmental Health Officer
DATE LAST REVIEWED:		SUB-DELEGATED:	NO
POLICY REFERENCE:		SUB-DELEGATED TO:	CANNOT BE SUB DELEGATED

LEGAL (PARENT): <i>Food Act 2008:</i> r.51 Enforcement agency may make list of food businesses	LEGAL (SUBSIDIARY): <i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Conditions	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

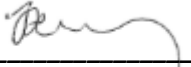
The CEO and Principal Environmental Health Officer are delegated authority to:

- decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51]

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


_____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

7. Graffiti Vandalism Act 2016

Graffiti Vandalism Act 2016

Delegation 7.1 Give Notice Requiring Obliteration of Graffiti

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Ranger

LEGAL (PARENT): <i>Graffiti Vandalism Act 2016:</i> s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given

LEGAL (SUBSIDIARY): <i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government s.17 Delegation by CEO of local government
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POWER OR DUTY DELEGATED

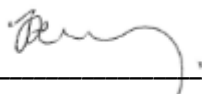
The Deputy CEO and Ranger are delegated authority to appoint employees to:

- give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)].
- where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


_____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Graffiti Vandalism Act 2016

Sub Delegation 7.1a Give Notice Requiring Obliteration of Graffiti

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Ranger

LEGAL (PARENT): <i>Graffiti Vandalism Act 2016:s.18(2) Notice requiring removal of graffiti</i> s.19(3) & (4) Additional powers when notice is given	LEGAL (SUBSIDIARY): <i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government s.17 Delegation by CEO of local government
Conditions	Any employee exercising delegated authority is to be a designated employee for the purposes of s5.74, Code of Conduct and other related matters. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

The Deputy CEO and Ranger are delegated authority to:

- give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)].
- where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Mr Alan Leeson, CEO

Graffiti Vandalism Act 2016

Delegation 7.2 Notices – Deal with Objections and Give Effect to Notices

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	NO
POLICY REFERENCE:		SUB-DELEGATED TO:	

<p>LEGAL (PARENT):</p> <p><i>Graffiti Vandalism Act 2016:s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice</i></p>	<p>LEGAL (SUBSIDIARY):</p> <p><i>Graffiti Vandalism Act 2016:</i></p> <p>s.16 Delegation by local government</p> <p>s.17 Delegation by CEO of local government</p>
Conditions	Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

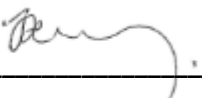
The Chief Executive Officer is delegated authority to:

- deal with an objection to a notice [s.22(3)].
- where an objection has been lodged, to:
 - i. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s.24(1)(b)] and
 - ii. to give notice to the affected person, before taking the necessary actions [s.24(3)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Graffiti Vandalism Act 2016

Delegation 7.3 Obliterate Graffiti on Private Property

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Ranger

LEGAL (PARENT): <i>Graffiti Vandalism Act 2016:</i> s.25(1) Local government graffiti powers on land not local government property	LEGAL (SUBSIDIARY): <i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government s.17 Delegation by CEO of local government
Conditions	Subject to exercising Powers of Entry. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

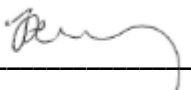
The Deputy CEO and Ranger are delegated authority to:

- determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s.25(1)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Graffiti Vandalism Act 2016

Sub Delegation 7.3a Obliterate Graffiti on Private Property

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Ranger

<p>LEGAL (PARENT): <i>Graffiti Vandalism Act 2016:</i> s.25(1) Local government graffiti powers on land not local government property</p>	<p>LEGAL (SUBSIDIARY): <i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government s.17 Delegation by CEO of local government</p>
<p>Conditions</p>	<p>Subject to exercising Powers of Entry.</p> <p>Any employee exercising delegated authority is to be a designated employee for the purposes of s5.74, Code of Conduct and other related matters.</p> <p>Must comply with all relevant Policies.</p>

POWER OR DUTY DELEGATED

The Deputy CEO and Ranger delegated authority to:

- determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s.25(1)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Mr Alan Leeson, CEO

Date: 16 March 2022

Graffiti Vandalism Act 2016

Delegation 7.4 Powers of Entry

DATE ADOPTED:	
DATE LAST REVIEWED:	
POLICY REFERENCE:	

DELEGATE:	CEO
SUB-DELEGATED:	YES
SUB-DELEGATED TO:	DCEO Ranger

<p>LEGAL (PARENT): <i>Graffiti Vandalism Act 2016:</i> s.28 Notice of entry s.29 Entry under warrant</p>
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<p>LEGAL (SUBSIDIARY): <i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government s.17 Delegation by CEO of local government</p>

Conditions	Subject to exercising Powers of Entry. Must comply with all relevant Policies.
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POWER OR DUTY DELEGATED

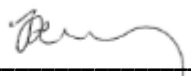
The Deputy CEO and Ranger are delegated authority to:

- give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28].
- obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Graffiti Vandalism Act 2016

Sub Delegation 7.4a Powers of Entry

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Ranger

<p>LEGAL (PARENT): <i>Graffiti Vandalism Act 2016:</i> s.25(1) Local government graffiti powers on land not local government property</p>	<p>LEGAL (SUBSIDIARY): <i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government s.17 Delegation by CEO of local government</p>		
Conditions	Subject to exercising Powers of Entry. Any employee exercising delegated authority is to be a designated employee for the purposes of s5.74, Code of Conduct and other related matters. Must comply with all relevant Policies.		

POWER OR DUTY DELEGATED

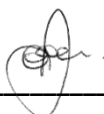
The Deputy CEO and Ranger are delegated to:

- determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s.25(1)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Mr Alan Leeson, CEO

Date: 16 March 2022

8. Planning and Development Act 2005

Planning and Development Act 2005

Delegation 8.1 General Delegations

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	NO
POLICY REFERENCE:		SUB-DELEGATED TO:	

LEGAL (PARENT): <i>Planning and Development Act 2005</i>	LEGAL (SUBSIDIARY): <i>Clause 82 Schedule 2 Delegation by Local Government</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
Conditions	Any employee exercising delegated authority is to be a designated employee for the purposes of s5.74, Code of Conduct and other related matters. See also Authorisation 11.19 Must comply with all relevant Policies. Monthly report to Council on all determinations made under this delegation.

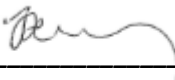
POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to exercise any of the local government's powers or the discharge of any of the local government's duties under Local Planning Scheme No 4 other than this power of delegation.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


_____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Planning and Development Act 2005

Sub Delegation 8.1a General Sub Delegations

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	NO
POLICY REFERENCE:		SUB-DELEGATED TO:	

LEGAL (PARENT): <i>Planning and Development Act 2005</i>	LEGAL (SUBSIDIARY): <i>Clause 82 Schedule 2 Delegation by Local Government</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
Conditions	Any employee exercising delegated authority is to be a designated employee for the purposes of s5.74, Code of Conduct and other related matters. See also Authorisation 11.19 Must comply with all relevant Policies. Monthly report to Council on all determinations made under this delegation.


POWER OR DUTY DELEGATED

The CEO is delegated authority to exercise any of the local government’s powers or the discharge of any of the local government’s duties under Local Planning Scheme No 4 other than this power of delegation.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Mr Alan Leeson, CEO

Planning and Development Act 2005

Delegation 8.2 Unauthorised or Non – complying Development – Directions and Offences

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	NO
POLICY REFERENCE:		SUB-DELEGATED TO:	

LEGAL (PARENT): <i>Planning and Development Act 2005 s214, s218</i>	LEGAL (SUBSIDIARY): <i>Planning and Development Regulations 2009</i>
Conditions	Any employee exercising delegated authority is to be a designated employee for the purposes of s5.74, Code of Conduct and other related matters. See also Authorisation 11.18 Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

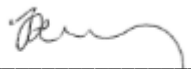
The Chief Executive Officer is delegated authority to:

- issue written direction to stop unauthorised development [P&D s214(2)] & s218].
- issue written direction to require the unauthorised development to be brought into compliance by removing, pulling down, taking up or altering the unauthorised development and by restoring the land to how it was prior to the development [P&D s214(3)].
- execute work to have unauthorised development brought into compliance [P&D s214(5)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


_____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Planning and Development Act 2005

Sub Delegation 8.2a Unauthorised or Non – complying Development – Directions and Offences

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	NO
POLICY REFERENCE:		SUB-DELEGATED TO:	

LEGAL (PARENT): <i>Planning and Development Act 2005 s214, s218</i>	LEGAL (SUBSIDIARY): <i>Planning and Development Regulations 2009</i>
Conditions	Any employee exercising delegated authority is to be a designated employee for the purposes of s5.74, Code of Conduct and other related matters. See also Authorisation 11.18 Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

The CEO delegated authority to:

- issue written direction to stop unauthorised development [P&D s214(2)] & s218].
- issue written direction to require the unauthorised development to be brought into compliance by removing, pulling down, taking up or altering the unauthorised development and by restoring the land to how it was prior to the development [P&D s214(3)].
- execute work to have unauthorised development brought into compliance [P&D s214(5)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Mr Alan Leeson, CEO

9. Public Health Act 2015

Public Health Act 2015

Delegation 9.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	NO
POLICY REFERENCE:		SUB-DELEGATED TO:	CANNOT BE SUB DELEGATED

LEGAL (PARENT): <i>Health (Asbestos) Regulations 1992:</i> r.15D(5) Infringement Notices	LEGAL (SUBSIDIARY): <i>Health (Asbestos) Regulations 1992:</i> r.15D(7) Infringement Notices
Conditions	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)]. Must comply with all relevant Policies.

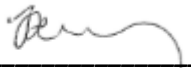
POWER OR DUTY DELEGATED

The Chief Executive Officer is appointed as an Authorised Officer for the purposes of the *Criminal Procedure Act 2004* Part 2 [r.15D(5)] and delegated authority to appoint other Authorised officers for the purposes of the *Criminal Procedure Act 2004* Part 2 [r.15D(5)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Cr Tracy Lefroy, Shire President Date: 16 March 2022

Public Health Act 2015

Delegation 9.2 Enforcement Agency Reports to the Chief Health Officer

DATE ADOPTED:		DELEGATE:	CEO Principal EHO
DATE LAST REVIEWED:		SUB-DELEGATED:	NO
POLICY REFERENCE:		SUB-DELEGATED TO:	CANNOT BE SUB DELEGATED

LEGAL (PARENT): <i>Public Health Act 2016</i> s.22 Reports by and about enforcement agencies	LEGAL (SUBSIDIARY): <i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Conditions	s.21 provides that powers may only be delegated to the CEO OR an Authorised Officer designated under s.24 Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

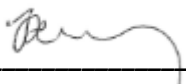
The Chief Executive Officer and Principal EHO are delegated authority to:

- 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)]
- prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


_____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Public Health Act 2015

Delegation 9.3 Designate Authorised Officers

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	NO
POLICY REFERENCE:	Policy 5.1, Policy 7.8 (sheds or outbuildings may be licensed as temporary accommodation)	SUB-DELEGATED TO:	See Authorisation 11.19

LEGAL (PARENT): <i>Public Health Act 2016</i> s.24(1) and (3) Designation of authorised officers	LEGAL (SUBSIDIARY): <i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Conditions	<p>Subject to each person so appointed being;</p> <ul style="list-style-type: none"> • Appropriately qualified and experienced [s.25(1)(a)]; and • Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31]. <p>A Register (list) of authorised officers is to be maintained in accordance with s.27.</p> <p>s.21 provides that powers may only be delegated to the CEO OR an Authorised Officer designated under s.24.</p> <p>Must comply with all relevant Policies.</p>

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to:

- designate a person or class of persons as authorised officers for the purposes of:
 - i. The Public Health Act 2016 or other specified Act
 - ii. Specified provisions of the Public Health Act 2016 or other specified Act
 - iii. Provisions of the Public Health Act 2016 or another specified Act, other than the specified provisions of that Act.

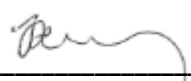
Including:

- a. an environmental health officer or environmental health officers as a class; OR
- b. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR
- c. a mixture of the two. [s.24(1) and (3)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Public Health Act 2015

Delegation 9.4 Determine Compensation for Seized Items

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	NO
POLICY REFERENCE:		SUB-DELEGATED TO:	CANNOT BE SUB DELEGATED

LEGAL (PARENT): <i>Public Health Act 2016</i> s.264 Compensation	LEGAL (SUBSIDIARY): <i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Conditions	<p>Compensation is limited to a maximum value of \$1,000 with any proposal for compensation above this value to be referred for Council’s determination.</p> <p>s.21 provides that powers may only be delegated to the CEO OR an Authorised Officer designated under s.24</p> <p>Must comply with all relevant Policies.</p>

POWER OR DUTY DELEGATED


The Chief Executive Officer is delegated authority to:

- in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Public Health Act 2015

Delegation 9.5 Commence Proceedings

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	NO
POLICY REFERENCE:		SUB-DELEGATED TO:	CANNOT BE SUB DELEGATED

LEGAL (PARENT): <i>Public Health Act 2016</i> s.280 Commencing Proceedings	LEGAL (SUBSIDIARY): <i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Conditions	s.21 provides that powers may only be delegated to the CEO OR an Authorised Officer designated under s.24 Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

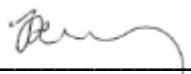
The Chief Executive Officer is delegated authority to:

- commence proceedings for an offence under the *Public Health Act 2016* [s.280]

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


_____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

10. Delegations by CEO

NOTE: The following delegations are made by the CEO, who holds the original power or duty. Council has no role in these decisions of the CEO, and they are included only for completeness in the Register.

Local Government Act 1995

Delegation 10.1 Electoral Enrolment Eligibility Claims and Electoral Roll

DATE ADOPTED:		DELEGATE:	DCEO
DATE LAST REVIEWED:		SUB-DELEGATED:	Cannot be sub-delegated
POLICY REFERENCE:		SUB-DELEGATED TO:	Cannot be sub-delegated

<p>LEGAL (PARENT):</p> <p><i>Local Government Act 1995:</i></p> <p>s.4.32(4), (5A) & (5) Eligibility to enrol under s.4.30, how to claim</p> <p>s.4.34 Accuracy of enrolment details to be maintained</p> <p>s.4.35 Decision that eligibility to enrol under s.4.30 has ended</p> <p>s.4.37 New roll for each election</p> <p><i>Local Government (Elections) Regulations 1995:</i></p> <p>r.11(1a) Nomination of co-owners or co-occupiers — s.4.31</p> <p>r.13(2) & (4) Register - s.4.32(6)</p>	<p>LEGAL (SUBSIDIARY):</p> <p><i>Local Government Act 1995 s5.44</i></p>
Conditions	<p>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).</p> <p>Must comply with Council Policy.</p>

POWER OR DUTY DELEGATED

The Deputy CEO is delegated authority to:

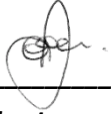
- require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)].
- decide whether the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)].
- decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.4.32(5A)].
- make any enquiries necessary in order to decide on an eligibility claim [s.4.32(5)].
- 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 family's safety at risk [Elections r.13(2)].
- 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)].
- 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].
- 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.

- determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)].
- 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)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Mr Alan Leeson, CEO

Local Government Act 1995

Delegation 10.2 Destruction of Electoral Papers

DATE ADOPTED:		DELEGATE:	DCEO
DATE LAST REVIEWED:		SUB-DELEGATED:	Cannot be sub-delegated
POLICY REFERENCE:		SUB-DELEGATED TO:	Cannot be sub-delegated

LEGAL (PARENT): <i>Local Government (Elections) Regulations 1996:</i> r.82(4) Keeping election papers – s4.84(a)	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.44</i>
Conditions	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). Must comply with Council Policy.

POWER OR DUTY DELEGATED

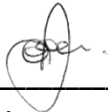
The Deputy CEO is delegated authority to:

- 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)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Mr Alan Leeson, CEO

Local Government Act 1995

Delegation 10.3 Destruction of Electoral Papers

DATE ADOPTED:		DELEGATE:	DCEO
DATE LAST REVIEWED:		SUB-DELEGATED:	Cannot be sub-delegated
POLICY REFERENCE:		SUB-DELEGATED TO:	Cannot be sub-delegated

<p>LEGAL (PARENT):</p> <p><i>Local Government (Administration) Regulations 1996:</i></p> <p>r.29(2) & (3) Information to be available for public inspection (Acts s.5.94)</p> <p>r.29B Copies of certain information not to be provided (Act s.5.96)</p> <p><i>Local Government Act 1995:</i></p> <p>s.9.95(1)(b) & (3)(b) Limits on right to inspect local government information</p>	<p>LEGAL (SUBSIDIARY):</p> <p><i>Local Government Act 1995 s5.44</i></p>		
Conditions	<p>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).</p> <p>Must comply with Council Policy.</p>		

POWER OR DUTY DELEGATED

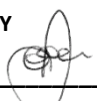
The Deputy CEO is delegated authority to:

- 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)].
- 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)].
- 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 [s5.94(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].
- 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 [s5.95(1)(b)].
- 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)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Mr Alan Leeson, CEO

Date: 16 March 2022

Local Government Act 1995

Delegation 10.4 Financial Management Systems and Procedures

DATE ADOPTED:		DELEGATE:	DCEO
DATE LAST REVIEWED:		SUB-DELEGATED:	Cannot be sub-delegated
POLICY REFERENCE:		SUB-DELEGATED TO:	Cannot be sub-delegated

LEGAL (PARENT): <i>Local Government (Financial Management) Regulations 1996:</i> r.5 CEO's Duties as to financial management	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.44</i>
Conditions	<p>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.</p> <p>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 each financial year. [Audit r.17]</p> <p>Must comply with Council Policy.</p>

POWER OR DUTY DELEGATED

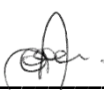
The Deputy CEO is delegated authority to:

- to establish systems and procedures which give effect to internal controls and risk mitigation for the:
 - i. Collection of money owed to the Shire;
 - ii. Safe custody and security of money collected or held by the Shire;
 - iii. Maintenance and security of all financial records, including payroll, stock control and costing records;
 - iv. Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities;
 - v. Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards;
 - vi. Making of payments in accordance with Delegated Authority 1.17;
 - vii. Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements. [FM r.5].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



 Mr Alan Leeson, CEO

Date: 16 March 2022

Delegation 10.5 Infringement Notices – Extensions and Withdrawals

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	DCEO Ranger

LEGAL (PARENT): <i>Cat Act 2011:</i> s.64 Extension of time s.65 Withdrawal of notice	LEGAL (SUBSIDIARY): <i>Cat Act 2011:</i> s.44 Delegation by local government s.45 Delegation by CEO of local government
Conditions	Any employee exercising delegated authority is to be a designated employee for the purposes of s5.74, Code of Conduct and other related matters. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

The Deputy CEO and Ranger are delegated authority to:

- extend the period of 28 days within which the modified penalty may be paid, and the extension may be allowed whether or not the period of 28 days has elapsed [s.64].
- within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s.65].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Mr Alan Leeson, CEO

11. Authorisations

NOTE: These authorisations and appointments are made by others (such as 11.1), the Council or the CEO (or others on behalf of the CEO, or as of right). Council has no role in the decisions of the CEO, and they are included only for completeness in the Register and to be reviewed annually.

Australian Citizenship Act 2017

Appointment 11.1 Authorised Persons

DATE ADOPTED:		APPOINTEE:	President Deputy President CEO
DATE LAST REVIEWED:		OTHER APPOINTEES:	

LEGAL (PARENT): <i>Australian Citizenship Act 2017 s27(5)</i>	LEGAL (SUBSIDIARY):
Conditions	

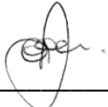
POWER OR DUTY

Pursuant to s27(5) of the Australian Citizenship Act 2017 the Shire President, Deputy President, CEO are authorised persons, as of right, to receive a Pledge of Commitment under the Act.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Mr Alan Leeson, CEO

Building Act 2011

Appointment 11.2 Authorised Persons

DATE ADOPTED:		APPOINTEE:	CEO
DATE LAST REVIEWED:		OTHER APPOINTEES:	DCEO Principal Building Surveyor

LEGAL (PARENT): <i>Building Act 2011:</i> s.96(3) authorised persons s.99(3) Limitation on powers of authorised person	LEGAL (SUBSIDIARY): <i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
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Conditions	A permit authority must give an identity card to each person designated by it as an authorised person and which must: <ul style="list-style-type: none">(a) identify the person as an authorised person; and(b) contain a recent photograph of the person Decisions under this delegated authority should be in accordance with r.5 of the Building Regulations 2012. Must comply with relevant Council Policies
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POWER OR DUTY

The CEO, Deputy CEO and Principal Building Surveyor are designated as Authorised Persons.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Mr Alan Leeson, CEO

Caravan Parks and Camping Grounds Act 1995

Authorisation 11.3 Authorised Persons

DATE ADOPTED:		APPOINTEE:	CEO
DATE LAST REVIEWED:		OTHER APPOINTEES:	DCEO Principal Building Surveyor Principal EHO Ranger

LEGAL (PARENT): <i>Caravan Parks and Camping Grounds Act 1995 – s17(1)</i>	LEGAL (SUBSIDIARY):
Conditions	<p>The CEO must give to each person appointed under subsection (2) an identity card that —</p> <ul style="list-style-type: none"> (a) on the front of the card, sets out — <ul style="list-style-type: none"> (i) the name and official insignia of the local government; and (ii) the name of the person; and (iii) a recent photograph of the person; and (b) on the back of the card, specifies each law to which the person’s appointment relates. <p>A person appointed under subsection (2) (the authorised person) must —</p> <ul style="list-style-type: none"> (a) carry their identity card at all times when performing functions under a specified law; and (b) produce their identity card for inspection when required to do so by a person in respect of whom the authorised person has performed or is about to perform a function under a specified law. <p>Must comply with all relevant Policies.</p>

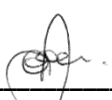
POWER OR DUTY

The CEO, Deputy CEO, Principal Building Surveyor, Principal Environmental Health Officer and Ranger are appointed Authorised Persons, with powers of entry and inspection pursuant to s17(1) Caravan Parks and Camping Grounds Act 1995.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Mr Alan Leeson, CEO

Date: 16 March 2022

Caravan Parks and Camping Grounds Act 1995

Authorisation 11.4 Authorised Persons - Infringement Notice

DATE ADOPTED:		APPOINTEE:	DCEO Principal Building Surveyor Principal EHO Ranger
DATE LAST REVIEWED:		OTHER APPOINTEES:	

LEGAL (PARENT): <i>Caravan Parks and Camping Grounds Act 1995 – s23(2)</i>	LEGAL (SUBSIDIARY):
Conditions	<p>The CEO must give to each person appointed an identity card that —</p> <p>(a) on the front of the card, sets out —</p> <p>(i) the name and official insignia of the local government; and</p> <p>(ii) the name of the person; and</p> <p>(iii) a recent photograph of the person; and</p> <p>(b) on the back of the card, specifies each law to which the person’s appointment relates.</p> <p>A person appointed under subsection (2) (the authorised person) must —</p> <p>(a) carry their identity card at all times when performing functions under a specified law; and</p> <p>(b) produce their identity card for inspection when required to do so by a person in respect of whom the authorised person has performed or is about to perform a function under a specified law.</p> <p>Must comply with all relevant Policies.</p>


POWER OR DUTY

The Deputy CEO, Principal Building Surveyor, Principal EHO and Ranger are appointed an Authorised Person pursuant to s23(2) Caravan Parks and Camping Grounds Act 1995.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Mr Alan Leeson, CEO

Date: 16 March 2022

Caravan Parks and Camping Grounds Act 1995

Authorisation 11.5 Authorised Persons - Infringement Notice

DATE ADOPTED:		APPOINTEE:	CEO
DATE LAST REVIEWED:		OTHER APPOINTEES:	

LEGAL (PARENT): <i>Caravan Parks and Camping Grounds Act 1995 – s23(3)(5)(7)</i>	LEGAL (SUBSIDIARY):
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Conditions	<p>The CEO must give to each person appointed an identity card that —</p> <p>(a) on the front of the card, sets out —</p> <p>(i) the name and official insignia of the local government; and</p> <p>(ii) the name of the person; and</p> <p>(iii) a recent photograph of the person; and</p> <p>(b) on the back of the card, specifies each law to which the person’s appointment relates.</p> <p>A person appointed under subsection (2) (the authorised person) must —</p> <p>(a) carry their identity card at all times when performing functions under a specified law; and</p> <p>(b) produce their identity card for inspection when required to do so by a person in respect of whom the authorised person has performed or is about to perform a function under a specified law.</p> <p>Must comply with all relevant Policies.</p>
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POWER OR DUTY

The CEO is appointed as Authorised Persons for the purposes of s23(3)(5)(7) Caravan Parks and Camping Grounds Act 1995.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Mr Alan Leeson, CEO

Authorisation 11.6 Authorised Persons

DATE ADOPTED:		APPOINTEE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	Deputy CEO Ranger

LEGAL (PARENT): <i>Cat Act 2011:</i> s. 48 Authorised persons	LEGAL (SUBSIDIARY): <i>Cat Act 2011:</i> s.44 Delegation by local government s.45 Delegation by CEO of local government
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Conditions	<p>The CEO must give to each person appointed an identity card that —</p> <ul style="list-style-type: none"> (a) on the front of the card, sets out — <ul style="list-style-type: none"> (i) the name and official insignia of the local government; and (ii) the name of the person; and (iii) a recent photograph of the person; and (b) on the back of the card, specifies each law to which the person’s appointment relates. <p>A person appointed under subsection (2) (the authorised person) must —</p> <ul style="list-style-type: none"> (a) carry their identity card at all times when performing functions under a specified law; and (b) produce their identity card for inspection when required to do so by a person in respect of whom the authorised person has performed or is about to perform a function under a specified law. <p>Must comply with all relevant Policies.</p>
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POWER OR DUTY DELEGATED

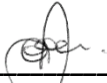
The Deputy CEO and Ranger are designated Authorised Persons specifically for the purposes of s62 Cat Act.

The CEO, Deputy CEO and Ranger are designated Authorised Persons for all purposes of the Cat Act, except as otherwise provided.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Mr Alan Leeson, CEO

Date: 16 March 2022

Control of Vehicles (Off Road Areas) Act 1978

Authorisation 11.7 Authorised Persons

DATE ADOPTED:		APPOINTEE:	CEO DCEO Principal Building Surveyor Principal EHO Ranger
DATE LAST REVIEWED:		OTHER APPOINTEES:	

LEGAL (PARENT): <i>Control of Vehicles (Off Road Areas) Act 1978 – s38(3)</i>	LEGAL (SUBSIDIARY): <i>Control of Vehicles (Off-Road Areas) Regulations 1979</i>
Conditions	<p>The CEO must give to each person appointed an identity card that —</p> <ul style="list-style-type: none"> (a) on the front of the card, sets out — <ul style="list-style-type: none"> (i) the name and official insignia of the local government; and (ii) the name of the person; and (iii) a recent photograph of the person; and (b) on the back of the card, specifies each law to which the person’s appointment relates. <p>A person appointed under subsection (2) (the authorised person) must —</p> <ul style="list-style-type: none"> (a) carry their identity card at all times when performing functions under a specified law; and (b) produce their identity card for inspection when required to do so by a person in respect of whom the authorised person has performed or is about to perform a function under a specified law. <p>Must comply with relevant Council Policies</p>

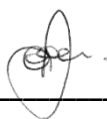
POWER OR DUTY

Pursuant to s38(3) of Control of Vehicles (Off Road Areas) Act 1978 and the Control of Vehicles (Off-road Areas) Regulations 1979, the CEO, Deputy CEO, Principal Building Surveyor, Principal EHO, Ranger are appointed as Authorised Officers to perform all functions of the local government under the Act.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Mr Alan Leeson, CEO

Dog Act 1976

Authorisation 11.8 Authorised Persons, Registration Officers and Enforcement Proceedings

DATE ADOPTED:		Appointee:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:		SUB-DELEGATED TO:	Deputy CEO Ranger Senior Finance Officer Customer Service Officer Administration Officer Records Officer

LEGAL (PARENT): <i>Dog Act 1976:</i> s.11(1) Staff and Services s.33E(1) Individual dog may be declared to be dangerous dog (declared) s44(2)(B) Enforcement Proceedings	LEGAL (SUBSIDIARY): <i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
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Conditions	<p>The CEO must give to each person appointed an identity card that —</p> <p>(a) on the front of the card, sets out —</p> <p>(i) the name and official insignia of the local government; and</p> <p>(ii) the name of the person; and</p> <p>(iii) a recent photograph of the person; and</p> <p>(b) on the back of the card, specifies each law to which the person’s appointment relates.</p> <p>A person appointed under subsection (2) (the authorised person) must —</p> <p>(a) carry their identity card at all times when performing functions under a specified law; and</p> <p>(b) produce their identity card for inspection when required to do so by a person in respect of whom the authorised person has performed or is about to perform a function under a specified law.</p> <p>Must comply with all relevant Policies.</p>
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POWER OR DUTY DELEGATED

The Deputy CEO, Ranger, Senior Finance Officer, Customer Service Officer, Administration Officer and Records Officer are designated as Registration Officers to exercise the powers and duties conferred on a Registration Officer by this Act [s.3].

The Deputy CEO and Ranger are designated as Authorised Persons to exercise the powers conferred on an authorised person by this Act [s.11(1)] and specifically to make declarations pursuant to s.33E(1) Individual dog may be declared to be dangerous dog.

The CEO is authorised to initiate legal proceedings for offences under the Dog Act 1976.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Mr Alan Leeson, CEO

Environmental Protection Act 1986

Authorisation 11.9 Referral of Proposals – Environmental Protection Act 1986

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	NO
POLICY REFERENCE:		SUB-DELEGATED TO:	

LEGAL (PARENT): Environmental Protection Act 1986 – s38	LEGAL (SUBSIDIARY):
Conditions	Must comply with all relevant Policies.

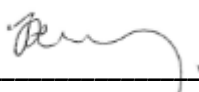
POWER OR DUTY DELEGATED

Pursuant to S38 of the Environmental Protection Act 1986 the Chief Executive Officer is authorised to refer Proposals to the Environmental Protection Authority.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


_____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Environmental Protection Act 1986

Authorisation 11.10 Authorisations

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	NO
POLICY REFERENCE:		SUB-DELEGATED TO:	

LEGAL (PARENT): Environmental Protection Act 1986 – s87, 114(3)	LEGAL (SUBSIDIARY):
Conditions	In relation to s87 - only relevant if the necessary request is made by the relevant State Government Department - see also s 88, 99P. In relation to s114(3), see also s114(), 114A. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

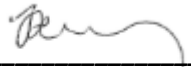
IF, pursuant to s87 of the Environmental Protection Act 1986 the Chief Executive Officer of the relevant State Government Department requests nominations to be appointed as an Authorised Person for enforcement, the CEO is to be nominated.

The CEO, **acting with the consent** of the CEO of the relevant State Government Department is authorised to initiate prosecutions.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


_____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Food Act 2008

Authorisation 11.11 Authorised Persons

DATE ADOPTED:		DELEGATE:	CEO DCEO Principal EHO
DATE LAST REVIEWED:		SUB-DELEGATED:	NO
POLICY REFERENCE:		SUB-DELEGATED TO:	CANNOT BE SUB DELEGATED

<p>LEGAL (PARENT):</p> <p><i>Food Act 2008:</i></p> <p>s.122(1) Appointment of authorised officers</p> <p>s.126(6), (7) and (13) Infringement Officers</p>	<p>LEGAL (SUBSIDIARY):</p> <p><i>Food Act 2008:</i></p> <p>s.118 Functions of enforcement agencies and delegation</p> <p>(2)(b) Enforcement agency may delegate a function conferred on it</p> <p>(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]</p> <p>(4) Sub-delegation permissible only if expressly provided in regulations</p>
<p>Conditions</p>	<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"> • Appointment of Authorised Officers as Meat Inspectors • Appointment of Authorised Officers • Appointment of Authorised Officers – Designated Officers only • Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer <p>Must comply with all relevant Policies.</p>

POWER OR DUTY DELEGATED

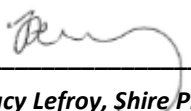
The Chief Executive Officer, Deputy CEO and Principal EHO are appointed:

- an authorised officer for the purposes of the Food Act 2008 [s.122(2)].
- an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the *Public Health Act 2016*, to be a Designated Officer for the purposes of issuing Infringement Notices under the *Food Act 2008* [s.126(13)].
- 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)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Gaming and Wagering Commission Act 1987

Authorisation 11.12 Authorised Persons

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	NO
POLICY REFERENCE:		SUB-DELEGATED TO:	CANNOT BE SUB DELEGATED

LEGAL (PARENT): <i>Gaming and Wagering Commission Act 1987 s21(2), 55(3)</i>	LEGAL (SUBSIDIARY):
Conditions	Only activated if the Commission requests Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

If the Commission requests, the Chief Executive Officer is to be the authorised officer and pursuant to s55(3) if the Commission requests the relevant Reports, the CEO is authorised to provide same.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Cr Tracy Lefroy, Shire President

Graffiti Vandalism Act 2016

Authorisation 11.13 Authorised Persons

DATE ADOPTED:		APPOINTEE:	CEO DCEO Ranger
DATE LAST REVIEWED:		OTHER APPOINTEES:	

LEGAL (PARENT): <i>Part 9 of the Local Government Act 1995 as the enabling power [s.15 of the Graffiti Vandalism Act 2016].</i>	LEGAL (SUBSIDIARY):
Conditions	<p>The CEO must give to each person appointed an identity card that —</p> <ul style="list-style-type: none"> (a) on the front of the card, sets out — <ul style="list-style-type: none"> (i) the name and official insignia of the local government; and (ii) the name of the person; and (iii) a recent photograph of the person; and (b) on the back of the card, specifies each law to which the person’s appointment relates. <p>A person appointed under subsection (2) (the authorised person) must —</p> <ul style="list-style-type: none"> (a) carry their identity card at all times when performing functions under a specified law; and (b) produce their identity card for inspection when required to do so by a person in respect of whom the authorised person has performed or is about to perform a function under a specified law. <p>Cannot determine Objections or Suspension of effect in relation to Notice issued by the employee -</p> <p>s.22(3) Objection may be lodged</p> <p>s.24(1)(b) & (3) Suspension of effect of notice</p> <p>Must comply with relevant Council Policies</p>

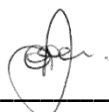
POWER OR DUTY

The CEO appoints the CEO, Deputy CEO and Ranger as authorised persons for the purposes of the Graffiti Vandalism Act 2016, which prescribes Part 9 of the Local Government Act 1995 as the enabling power [s.15 of the Graffiti Vandalism Act 2016] and to have all the powers and duties of CEO, except as otherwise provided.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Mr Alan Leeson, CEO

Liquor Control Act 1988

Authorisation 11.14 Issue Certificates, removal of Licences, Application for Extended Trading Permits

DATE ADOPTED:		APPOINTEE:	CEO
DATE LAST REVIEWED:		OTHER APPOINTEES:	DCEO Principal EHO

LEGAL (PARENT): <i>Liquor Control Act 1988 – S39; S40; S61(1)(d), (2); 69(7), (8)</i>	LEGAL (SUBSIDIARY):
Conditions	The Chief Executive Officer cannot recommend approval or refusal for first time applications for Extended Trading Permits to the relevant State Government authority. Such applications must be considered and determined by the Council. The Chief Executive Officer may recommend approval or refusal for subsequent applications. Must comply with relevant Council Policies

POWER OR DUTY

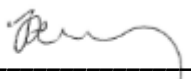
The CEO, Deputy CEO and Principal EHO are authorised to:

- issue Certificates for grant, change or removal of liquor licences pursuant to s39 (Health), 40 (Planning) Liquor Control Act 1988
- provide comment and make recommendations on Applications for Extended Trading Permits pursuant to s61(1)(d), (2) Liquor Control Act 1988
- intervene in Applications pursuant to S69(7), (8) of the Liquor Control Act 1988

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Cr Tracy Lefroy, Shire President

Litter Act 1979

Authorisation 11.15 Authorised Officers, Withdrawal of Infringement Notices

DATE ADOPTED:		APPOINTEE:	CEO
DATE LAST REVIEWED:		OTHER APPOINTEES:	All Shire of Moora employees

LEGAL (PARENT): <i>Litter Act 1978 – S26(1)(c)(i), (ii), S30(4a)</i>	LEGAL (SUBSIDIARY):
Conditions	Employees and council members appointed under S26(1)(c)(i), (ii) must hold a certificate stating the person is authorised, in accordance with s26(4)(c). If the Chief Executive Officer has issued the relevant infringement notice, the Shire President is authorised to withdraw such a notice. Must comply with relevant Council Policies

POWER OR DUTY

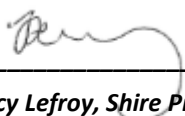
S26(1)(c)(i), (ii) prescribes that all elected members and employees are Authorised Persons by virtue of their office.

Pursuant to S30(4a) Litter Act 1979 the Chief Executive Officer is authorised to withdraw infringement notices. If the Chief Executive Officer has issued the relevant infringement notice, the Shire President is authorised to withdraw such a notice.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Cr Tracy Lefroy, Shire President

Local Government Act 1995

Authorisation 11.16 Authorised Persons - Public Statements on behalf of the local government

DATE ADOPTED:		APPOINTEE:	Chief Executive Officer
DATE LAST REVIEWED:		OTHER APPOINTEES:	

LEGAL (PARENT): <i>Local Government Act 1995) s.2.8(1)(d), 5.41(f)</i>	LEGAL (SUBSIDIARY): .
Conditions	<p>It is acknowledged that under s.5.41, the CEO has additional broad functions including the function of managing the day-to-day operations of the local government. That function requires the CEO from time to time to speak in public as to the local government's affairs, but the agreement of the Shire President is only required where the CEO makes a public statement on behalf of the local government of a kind which would ordinarily fall within the role of the Shire President as the spokesperson of the local government.</p> <p>Must comply with all relevant Policies.</p>

POWER OR DUTY

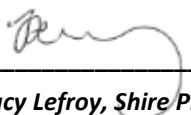
The Chief Executive Officer is authorised to speak in public, on behalf of the Shire, **on all matters of an operational nature** and, where the Shire President agrees:

- on a specific occasion; or
- on a specific subject matter; or
- on a specified category of occasions or a specified category of subjects when they arise.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Local Government Act 1995

Authorisation 11.17 Authorised Person – s5.120 Complaints

DATE ADOPTED:		APPOINTEE:	Chief Executive Officer
DATE LAST REVIEWED:		OTHER APPOINTEES:	

LEGAL (PARENT): Local Government Act 1995 s5.120	LEGAL (SUBSIDIARY):
Conditions	This effectively relates to Division 4 Complaints under the Code of Conduct. Must comply with all relevant Policies.

POWER OR DUTY

In the absence of the CEO designating another employee to be the Complaints Officer, the CEO is, by default.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Cr Tracy Lefroy, Shire President

Local Government Act 1995

Authorisation 11.18 Authorised Person – s5.120 Complaints

DATE ADOPTED:		APPOINTEE:	Chief Executive Officer
DATE LAST REVIEWED:		OTHER APPOINTEES:	

LEGAL (PARENT): Local Government Act 1995, Reg 11 (3) Local Government (Model Code of Conduct) Regulations 2021 and Shire of Moora Code of Conduct for Council Members, Committee Members and Candidates for Election (2021)	LEGAL (SUBSIDIARY):
Conditions	This effectively relates to Division 3 Complaints under the Code of Conduct. Must comply with all relevant Policies.

POWER OR DUTY

Council has authorised the CEO to receive complaints and withdrawals of complaints.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Cr Tracy Lefroy, Shire President

Local Government Act 1995

Authorisation 11.19 Authorised Persons - Legal Proceedings, Infringements and Enforcements

Date Adopted:		Appointee:	CEO DCEO Manager Engineering Services Principal Building Surveyor Principal EHO Ranger
Date Last Reviewed:		Other Appointees:	

Legal (Parent): <i>Local Government Act 1995) s9.10(1), 9.11, 9.13, 9.16 and 9.24</i> s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land]	Legal (Subsidiary):
Conditions	<p>Only the CEO may commence legal proceedings.</p> <p>The CEO must give to each person appointed an identity card that —</p> <p>(a) on the front of the card, sets out —</p> <p>(i) the name and official insignia of the local government; and</p> <p>(ii) the name of the person; and</p> <p>(iii) a recent photograph of the person; and</p> <p>(b) on the back of the card, specifies each law to which the person’s appointment relates.</p> <p>A person appointed under subsection (2) (the authorised person) must —</p> <p>(a) carry their identity card at all times when performing functions under a specified law; and</p> <p>(b) produce their identity card for inspection when required to do so by a person in respect of whom the authorised person has performed or is about to perform a function under a specified law.</p> <p>A person authorised to issue infringement notices cannot also be delegated authority to withdraw or extend the time to pay an infringement. Pursuant to s9.19 and 9.20 of the Local Government Act, only the CEO may withdraw or extend the time to pay an infringement.</p> <p>Must comply with all relevant Policies.</p>

Power or Duty

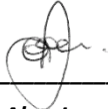
Pursuant to *Local Government Act 1995) s9.10* the Chief Executive Officer designates:

- the CEO, Deputy CEO, Manager Engineering Services, Principal Building Surveyor, Principal EHO and Ranger as Authorised Persons for the purposes of s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land] and s9.10(1), 9.11, 9.13, 9.16 and 9.24
- the Principal Building Surveyor as Authorised Officer for the purposes of issuing Building Act infringement notices, in accordance with s6(b) Criminal Procedure Act 2014 and reg70(2) Building Regulations 2012.

Review Requirements

At least once every financial year.

Authority



_____ Date: 16 March 2022

Mr Alan Leeson, CEO

Planning and Development Act 2005

Authorisation 11.20 Authorised, Designated Persons - Infringement Notices

DATE ADOPTED:		APPOINTEE:	Chief Executive Officer DCEO Consultant Town Planner Principal Building Surveyor
DATE LAST REVIEWED:		OTHER APPOINTEES:	

LEGAL (PARENT): <i>Planning and Development Act 2005 s234 Clause 82, Schedule 2, Planning and Development (Local Planning Schemes) Regulations 2015</i>	LEGAL (SUBSIDIARY): <i>Planning and Development Act 2005 s228, 229, 230, 231</i>
Conditions	A Designated Person pursuant to s228 cannot be appointed for the purposes of any other Sections as a Designated person Must comply with all relevant Policies.

POWER OR DUTY

The Chief Executive Officer designates the Chief Executive Officer as a Designated Person for the purposes of s230, 231.

The Chief Executive Officer designates the Deputy CEO, Consultant Town Planner and Principal Building Surveyor as Designated Persons for the purposes of s.228, 229

The Chief Executive Officer designates the Chief Executive officer, DCEO, Consultant Town Planner and Principal Building Surveyor as Authorised Persons.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Mr Alan Leeson, CEO

Public Health Act 2016

Authorisation 11.21 Authorised Officers

DATE ADOPTED:		APPOINTEE:	Chief Executive Officer
DATE LAST REVIEWED:		OTHER APPOINTEES:	DCEO Principal Building Surveyor Principal EHO

LEGAL (PARENT): <i>Public Health Act 2016 s.24(1) and (3) Designation of authorised officers</i>	LEGAL (SUBSIDIARY): <i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Conditions	<p>Must operate in accordance with the conditions within the Shire of Moora Health Local Law 2017.</p> <p>A list of all officers designated as authorised officers must be kept and maintained in accordance with s27 of the Public Health Act 2016.</p> <p>Each person who is designed as an authorised officer must be issued with certificate of authority as an authorised officer in accordance with s30 of the Public Health Act 2016.</p> <p>Must comply with relevant Council Policies</p>


POWER OR DUTY

The Chief Executive Officer, Deputy CEO, Principal Building Surveyor and Principal EHO are designated as an authorised officer under s24 of the Public Health Act 2016.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


 _____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Public Health Act 2015

Authorisation 11.22 Appoint Authorised Officer or Approved Officer (Asbestos Regs)

DATE ADOPTED:		DELEGATE:	CEO DCEO Principal Building Surveyor Principal EHO
DATE LAST REVIEWED:		SUB-DELEGATED:	
POLICY REFERENCE:	Policy 5.1, Policy 7.8 (sheds or outbuildings may be licensed as temporary accommodation)	SUB-DELEGATED TO:	

LEGAL (PARENT): <i>Health (Asbestos) Regulations 1992</i> <i>Pt 2 Criminal Procedure Act 2004</i>	LEGAL (SUBSIDIARY): <i>Health (Asbestos) Regulations 1992</i> <i>Pt 2 Criminal Procedure Act 2004</i>
Conditions	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)]. Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

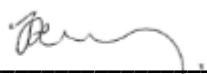
The Deputy CEO, Principal Building Surveyor and Principal EHO are appointed Authorised Persons and also authorised pursuant to the Health (Asbestos) Regulations 1992 for the issuing of infringement notices.

The Chief Executive Officer is appointed as an Approved Officer pursuant to the Health (Asbestos) Regulations 1992 and the Criminal Procedure Act 2004 for the withdrawal or extension to a period to pay an infringement notice.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


_____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

12. Appointments

NOTE: These appointments exist as of right or have been made by the CEO. They require no Council decision, and they are included only for completeness in the Register.

Bush Fires Act 1954

Appointment 12.1 Bush Fire Control Officers

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	NO
POLICY REFERENCE:		SUB-DELEGATED TO:	<i>Sub-delegation is prohibited by s.48(3)</i>

LEGAL (PARENT): <i>Bush Fires Act 1954:</i> s.38 Local Government may appoint bush fire control officer	LEGAL (SUBSIDIARY): <i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Conditions	Must comply with all relevant Policies.

POWER OR DUTY DELEGATED

The CEO appoints Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and

- i. Of those Officers, appoints Manager Waste and Emergency Services as the Chief Bush Fire Control Officer and Works and Services Supervisor as the Deputy Chief Bush Fire Control Officer; and
- ii. Determines the respective seniority of the other Bush Fire Officers so appointed [s.38(1)].
 - issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire [s.38(5A)]
 - appoints Fire Weather Officer/s, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer/s shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)].
- ii. Appoints deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Mr Alan Leeson, CEO

Criminal Code 2013

Appointment 12.2 Person in control of Local Government Property

DATE ADOPTED:		APPOINTEE:	CEO
DATE LAST REVIEWED:		OTHER APPOINTEES:	N/A

LEGAL (PARENT): <i>Criminal Code 2013 – S70A</i>	LEGAL (SUBSIDIARY):
Conditions	Must comply with relevant Council Policies

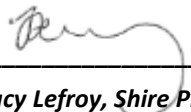
POWER OR DUTY

The Chief Executive Officer is deemed to be the person in authority of local government property and facilities, including the Council Chambers during Council and Committee meetings

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


_____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Equal Opportunity Act 1984

Appointment 12.3 Equal Employment Opportunity Management Plans

DATE ADOPTED:		APPOINTEE:	CEO
DATE LAST REVIEWED:		OTHER APPOINTEES:	NA

LEGAL (PARENT): <i>Equal Employment Opportunity Act 1984 – s145</i>	LEGAL (SUBSIDIARY):
Conditions	Must comply with relevant Council Policies


POWER OR DUTY

The Chief Executive Officer is to prepare and implement equal employment opportunity management plans pursuant to s145 Equal Employment Opportunity Act 1984.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY


_____ Date: 16 March 2022
Cr Tracy Lefroy, Shire President

Local Government Act 1995

Appointment 12.4 Review Officer and Determination Officer – Rates and Charges (Rebates and Deferments) Regulation Act 1992

DATE ADOPTED:		APPOINTEE:	CEO DCEO
DATE LAST REVIEWED:		OTHER APPOINTEES:	

LEGAL (PARENT): <i>Rates and Charges (Rebates and Deferments) Regulation Act 1992 – s12; s13; s32</i>	LEGAL (SUBSIDIARY):
Conditions	Must comply with all relevant Policies.

POWER OR DUTY

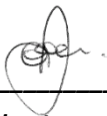
The Chief Executive Officer is the Pensioner Rates Review Officer, as defined by the Act.

The Deputy CEO is the Pensioner Rates Determination Officer as defined by the Act.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Mr Alan Leeson, CEO

Public Interest Disclosure Act 2003

Appointment 12.5 Public Interest Disclosures

DATE ADOPTED:		APPOINTEE:	DCEO
DATE LAST REVIEWED:		OTHER APPOINTEES:	

LEGAL (PARENT): <i>Public Interest Disclosure Act 2003 – s23(1)(a)</i>	LEGAL (SUBSIDIARY):
Conditions	Must comply with relevant Council Policies

POWER OR DUTY

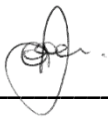
Pursuant to s23(1)(a) Public Interest Disclosure Act 2003 the Principal Executive Officer (Chief Executive Officer) designates the occupant of a specified position within the authority as the person responsible for receiving disclosures of public interest information.

The Deputy CEO of the Shire of Moora is designated accordingly.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



_____ Date: 16 March 2022

Mr Alan Leeson, CEO

Freedom of Information Act 1992

Appointment 12.6 Information Coordinator and Principal Decision Maker

DATE ADOPTED:		APPOINTEE:	CEO as Principal Review Officer DCEO as Freedom of Information Coordinator
DATE LAST REVIEWED:		OTHER APPOINTEES:	

LEGAL (PARENT): <i>Freedom of Information Act 1992 – s11, 12, 41, 100</i>	LEGAL (SUBSIDIARY):
Conditions	Principal Decision Maker is the Chief Executive Officer, or an employee directed by the Chief Executive Officer to undertake the duties and functions s100 Principal Review Officer cannot be subordinate to decision maker s41

POWER OR DUTY

The Chief Executive Officer appoints:

- Deputy CEO as the Freedom of Information Coordinator to undertake the duties and functions associated with the lodgement and collation of an application for information in accordance with S11, 12, of the Freedom of Information Act 1992
- the Principal Decision Maker is the Chief Executive Officer, or an employee directed by the Chief Executive Officer to undertake the duties and functions.

The Chief Executive Officer is the Principal Review Officer.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Date: 16 March 2022

Mr Alan Leeson, CEO

13. Authorisations and Delegations - State Government to Local Government

NOTE: These authorisations and delegations exist as of right. They require no Council decision, and they are included only for completeness in the Register.

Environmental Protection Act and Regulations

Authorisation 13.1 Noise Control – Environmental Protection Notices [Reg.65(1)]

Published by:
Environment

GOVERNMENT GAZETTE
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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.

Environmental Protection Act and Regulations

Authorisation 13.2 Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events

Published by:
Environment

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Western Australia
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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.

Published by:
Environment

GOVERNMENT GAZETTE
Western Australia
[Previous](#) [Close](#) [Next](#)

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

EV405

ENVIRONMENTAL PROTECTION ACT 1986

Delegation No. 119

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

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

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

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

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

Dated the 1st day of May 2014.

JASON BANKS, Acting Chief Executive Officer.

Planning and Development Act 2005

Authorisation 13.4 Instrument of Authorisation - 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

The power to sign as owner in respect of Crown land that is:

- a reserve managed by the local government pursuant to section 46 of the *Land Administration Act 1997* 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 *Land Administration Act 1997* 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,

in respect of development applications being made under or referred to in:

- (i) section 99(2) of the *Planning and Development Act 2005* in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);
- (ii) section 103(2) of the *Planning and Development Act 2005* in respect of development for which approval is required under a local interim development order (as that term is defined in that Act);
- (iii) section 115 of the *Planning and Development Act 2005* in respect of development within a planning control area (as that term is defined in that Act);
- (iv) section 122A of the *Planning and Development Act 2005* in respect of which approval is required under an improvement scheme (as that term is defined in that Act);
- (v) section 162 of the *Planning and Development Act 2005* 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);
- (vi) section 163 of the *Planning and Development Act 2005* in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the *Heritage of Western Australia Act 1990*, or of which such a place forms part;
- (vii) section 171A of the *Planning and Development Act 2005* in respect of a prescribed development application (as that term is defined in that section of that Act).

Column 2

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 Busselton
 Town of Cambridge
 City of Canning
 Shire of Capel
 Shire of Carnamah
 Shire of Carnarvon
 Shire of Chapman Valley
 Shire of Chittering
 Shire of Christmas Island
 Town of Claremont
 City of Cockburn
 Shire of Cocos (Keeling) Islands
 Shire of Collie
 Shire of Coolgardie
 Shire of Coorow
 Shire of 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 Downer
 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

Column 3

In accordance with and subject to approved Government Land policies.

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 *Planning and Development Act 2005* (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.

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
 Shire of Kalamunda
 City of Kalgoorlie-Boulder
 Shire of Katanning
 Shire of Kellerberrin
 Shire of Kent
 Shire of Kojonup
 Shire of Kondinin
 Shire of Koorda
 Shire of Kulin
 City of Kwinana
 Shire of Lake Grace
 Shire of Laverton
 Shire of Leonora
 City of Mandurah
 Shire of Manjimup
 Shire of Meekatharra
 City of Melville
 Shire of Menzies
 Shire of Merredin
 Shire of Mingenew
 Shire of Moxea
 Shire of Morawa
 Town of Mosman Park
 Shire of Mount Magnet
 Shire of Mt Marshall
 Shire of Mukinbudin
 Shire of Mundaring
 Shire of Murchison
 Shire of Murray

Shire of Nannup
Shire of 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 Roebourne
Shire of Sandstone
Shire of Serpentine Jarrahdale
Shire of Shark Bay
City of South Perth
City of Stirling
City of Subiaco
City of Swan

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 June
..... day of 2016

PI409

PLANNING AND DEVELOPMENT ACT 2005
Instrument of Delegation
Del 2009/03 Powers of Local Governments

Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the issuing of certificates of approval under section 25 of the *Strata Titles Act 1985*

Preamble

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

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

Resolution under section 16 of the Act (delegation)

On 26 May 2009, 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 25 of the *Strata Titles Act 1985* as set out in clause 1 of Schedule, within their respective districts, subject to the conditions set out in clause 2 of Schedule 1.

TONY EVANS, Western Australian Planning Commission.

SCHEDULE 1

1. Applications made under section 25 of the *Strata Titles Act 1985*

Power to determine applications for the issuing of a certificate of approval under section 25 of the *Strata Titles Act 1985* for a plan of subdivision, re-subdivision or consolidation, except those applications that—

- (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—
 - (i) a type of development; and/or
 - (ii) land within an area,

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

2. Reporting requirements

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

Main Roads Act 1930

Authorisation 13.6 Traffic Management - Events on Roads

**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)

**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

Road Traffic (Vehicles) Act 2012

Authorisation 13.8 Approval for Certain Local Government Vehicles as Special Use Vehicles



ROAD TRAFFIC (VEHICLES) ACT 2012

Road Traffic (Vehicles) Regulations 2014

RTVR-2017-202046

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

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

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

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

CONDITIONS

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