



# **REGISTER OF DELEGATIONS**

Reviewed & Updated 20 May 2015

## **LOCAL GOVERNMENT ACT 1995 – Powers of Delegation**

### **Delegation of some powers and duties to certain committees:**

- 5.16 (1) Absolute majority required to delegate; cannot delegate power of delegation.  
(2) To be in writing and may be general or conditional.  
(3) Can be for a period of time or indefinite.  
(4) Doesn't prevent Council acting through another.
- 5.17 Limits on delegations to committees.
- 5.18 Register of Delegations to be kept and reviewed annually.

### **Delegation of some powers and duties to CEO:**

- 5.42 (1) Absolute majority required to delegate.  
(2) To be in writing and may be general or conditional.
- 5.43 Limits on delegations to CEO.
- 5.44 CEO may delegate to others, but not the power of delegation.
- 5.45 (1) (a) Can be for a period of time or indefinite.  
(b) Absolute majority required to amend or revoke.  
(2) Doesn't prevent Council or CEO acting through another.
- 5.46 (1) & (2) Register of Delegations to be kept and reviewed annually.  
(3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

### **Admin Reg 19.**

“Where a power or duty has been delegated under the Act to the CEO or to any other local government employee, the person to whom the power or duty had been delegated is to keep a written record of –

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

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## FINANCE

### 01 PAYMENTS FROM TRUST AND MUNICIPAL FUNDS

**Function to be performed:** To make payments from the Municipal Fund Bank Accounts and the Trust Fund Bank Accounts for payment of creditors and payroll.

**Delegated to:** Chief Executive Officer

**On delegated to:** *The Chief Executive Officer in exercising authority, under Section 5.44 of the Local Government Act 1995, has delegated this power/duty to the following officers.*

Payments made by Cheque, Electronic Transfer or any other means require two (2) authorisations being:

- Chief Executive Officer and Deputy Chief Executive Officer
- In the absence of either of the above the Manager Engineering Services, Manager Development Services or Senior Finance Officer shall act in their stead

**Conditions:** Compliance with Regulations 12 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:

- 1) The payee's name
- 2) The amount of the payment
- 3) The date of the payment
- 4) Sufficient information to identify the transaction

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.

Records to be kept under the provision of **General Disposal Authority for Local Government Records** Legislation.

**Reference:** S5.42/5.44, S6.10 – Local Government Act 1995  
Local Government (Financial Management) Regulations 1996

**Council Policy:** N/A

**Date Adopted:** 14 December 2005

**Date Reviewed:** 20 May 2015

**Date Reviewed & Amended:** 21 May 2014

## 02 INVESTMENTS

**Function to be performed:** Council delegates its authority and power to the Chief Executive Officer to

- 1) Invest money held in the Municipal, Reserve or Trust Funds that is not required for the time being for any purpose in accordance with Part III of the Trustees Act 1962 or in an investment approved by the Minister.
- 2) To establish and document internal control procedures to be followed to ensure control over the investments.

**Delegated to:** Chief Executive Officer

**On delegated to:** *The Chief Executive Officer in exercising authority, under Section 5.44 of the Local Government Act, 1995, has delegated this power and power to the Deputy Chief Executive Officer for renewals and reinvestments in the same type of investments already approved by the Chief Executive Officer.*

**Conditions:**

- 1) The establishing of documental internal control procedures to be followed to ensure control over the investments.
- 2) Compliance with Clause 19(2) Local Government (Financial Management) Regulations 1996
- 3) Council Policy “FIN 001 - Investment Policy”

**Record of Use:** In accordance with Council Policy FIN 001 – Investment Policy.

Monthly Investment Report provided to Council.

Records to be kept under the provisions of **General Disposal Authority for Local Government Records** Legislation.

**Reference:** S5.42/S5.44, S6.14 Local Government Act, 1995 (As Amended)

**Council Policy:** FIN 001 – Investment Policy

**Date Adopted:** March 2007

**Date Reviewed:** 20 May 2015

**Date Reviewed and Amended:** 21 May 2014

### **03 HIRE FEES & CHARGES – SHIRE RECREATION CENTRES/COMMUNITY CENTRES/TOWN HALLS AND PERFORMING ART CENTRES**

**Function to be performed:** Council delegates its authority and power to the Chief Executive Officer 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;

- Moora Performing Arts Centre;
- Moora Recreation Centre;
- Miling Hall;
- Miling Recreation Centre;
- Watheroo Hall;
- Watheroo Recreation Centre;
- Coomberdale Hall;
- Bindi-Bindi Fire Shed and Community Centre.

Council delegates its authority and power to authorise the Chief Executive Officer to waive hire fees for those activities associated with the Be Active Scheme e.g. (Aqua Aerobics, Fitness Classes, Gym Circuits/Classes).

**Delegated to:** Chief Executive Officer

**On delegated to:** *The Chief Executive Officer in exercising authority, under Section 5.44 of the Local Government Act, 1995, has delegated this power and power to the Deputy Chief Executive Officer*

**Conditions:** Regulations 5, 8 and 10 of the Local Government (Financial Management) Regulations 1996.

**Record of Use:** Electronic copy of receipts to be archived and kept in accordance with records to be kept under the provisions of **General Disposal Authority for Local Government Records** Legislation.

**Reference:** S5.42, S6.10 Local Government Act (As Amended).

**Council Policy:**

**Date Adopted:**

**Date Reviewed:** 20 May 2015

**Date Reviewed and Amended:** 18 February 2015

## 04 RATE BOOK

<b>Function to be performed:</b>	<p>Council delegates its authority and power to the Chief Executive Officer for the performance of the following functions of Council:-</p> <ol style="list-style-type: none"><li>1) The discharge of the obligations specified in Section 6.39(1) of the Local Government Act 1995.</li><li>2) The service of Notices of Valuation and Rates referred to in Section 6.41(1) of the Local Government Act 1995 (as amended).</li><li>3) The time allowed for the payment of the rate before it becomes in arrears 6.50(2) of the Local Government Act 1995.</li><li>4) The powers conferred in Section 6.40 of the Local Government Act 1995.</li><li>5) The exercise of discretion in regard to granting of any extension of time for service of objections to the Rate Book 6.76(4) of the Local Government Act 1995.</li><li>6) The recovery of rates by complaint or action pursuant to the provisions of 6.56 and 6.64 of the Local Government Act 1995.</li><li>7) Entering into an agreement in accordance with 6.49 of the Local Government Act 1995.</li><li>8) Requiring a lessee to pay rent to the Council in satisfaction of rates and service charges due and payable in accordance with 6.60(2) of the Local Government Act 1995.</li></ol>
<b>Delegated to:</b>	Chief Executive Officer
<b>On delegated to:</b>	<i>The Chief Executive Officer in exercising authority, under Section 5.42/5.44 of the Local Government Act, 1995 has delegated this power/duty to the Deputy Chief Executive Officer</i>
<b>Conditions:</b>	Nil.
<b>Record of use:</b>	<p>Retention of file copy of relevant correspondence.</p> <p>Records to be kept under the provisions of <b><u>General Disposal Authority for Local Government Records</u></b> Legislation.</p>
<b>Reference:</b>	S5.42 Local Government Act 1995 (As Amended).
<b>Council Policy:</b>	Interest Rate Policies adopted in Annual Budget.
<b>Date Adopted:</b>	
<b>Date Reviewed:</b>	20 May 2015
<b>Date Reviewed and Amended:</b>	21 May 2014

## 05 BUDGET IMPLEMENTATION

**Function to be performed:** Council delegates its authority and power to the Chief Executive Officer to use management discretion in:

- 1) implementing expenditure programs contained in the budget the detail of which has been finalised;
- 2) the appointment of consultants and contractors to enable the proper administration of the Council's business;
- 3) prioritising work, unless otherwise directed by the Council;
- 4) determining whether or not to call tenders or sell by tender or auction where an obligation does not exist to do so under the Local Government Act 1995;
- 5) initiating arrangements for loans subject to referral to Council for adoption;
- 6) authorising overtime; and
- 7) engaging temporary staff.

**Delegated to:** Chief Executive Officer

**On delegated to:** *The Chief Executive Officer in exercising authority, under Section 5.44 of the Local Government Act, 1995, has delegated this power to the Deputy Chief Executive Officer, Manager Engineering Services and Manager Development Services*

**Conditions:**

- 1) That costs are contained within budget allocations.
- 2) Subject to compliance with the Local Government Act 1995 (As Amended) and Council's Policy Statements.
- 3) Quotations to be called for the purchase of items of plant, equipment and machinery having an estimate of up to \$100,000. Tenders to be called for plant, equipment and machinery items being an estimated value in excess of \$100,000 (this is consistent with the Tender Regulations).
- 4) Wherever tenders are called, the tenders be decided by the Council (in most cases Council would consider a recommendation from the relevant Committee). See also Policy 4.5 and "Delegations to Committees/Working Groups".
- 5) Quotations are to be obtained on any contract exceeding 10% of the statutory amount above which tenders are to be called (in Functions & General Reg. 11 (2)), (currently \$10,000).
- 6) Where quotations are called, under 5 above, the CEO accept the most advantageous quotation and should the most advantageous quote be in excess of the budget, provisions report details to the next following meeting of the Council (a report to the relevant committee satisfies this requirement).

**Record of use:** Retention of file copy of internal control procedures.

Records to be kept under the provisions of **General Disposal Authority for Local Government Records** Legislation.



**Reference:** S5.42 Local Government Act 1995 (As Amended).

**Council Policy:** Policy 4.5

**Date Adopted:**

**Date Reviewed:** 20 May 2015

**Date Reviewed and Amended:** 21 May 2014

**06 RENT/ LEASING OF RESIDENTIAL PROPERTY OWNED BY THE SHIRE OF MOORA**

**Function to be performed:** The Chief Executive Officer is delegated authority to rent/ lease residential property owned by the Shire of Moora.

**Delegated to:** Chief Executive Officer

**On delegated to:** N/A

**Conditions:** Rental / Lease must be no more than \$31,200 per annum (\$600 per week) and the agreed rental cannot be less than 80% of the estimated market value as determined by the Chief Executive Officer and a person qualified to give such an estimate such as a Real Estate Agent.

**Record of use:** Report to Council via Information Bulletin.

**Reference:** Local Government Act 1995 (as amended – S5.42)  
Local Government Act 1995 (as amended – S5.43 (d))

**Council Policy:** Staff housing is exempt from this delegation.

**Date Adopted:** 16 April 2008 (Item 11.1.1)

**Date Reviewed:** 20 May 2015

**Date Reviewed and Amended:** N/A

## **ADMINISTRATION**

### **07 LIQUOR – SALE & CONSUMPTION AT RECREATION CENTRE / MOORA PERFORMING ARTS CENTRE**

**Function to be performed:** Council delegates its authority and power to the Chief Executive Officer to approve applications for the sale of liquor from the Recreation Centre and Moora Performing Arts Centre in accordance with Council Policy 8.11 and to approve applications not covered by the policy at his discretion.

**Delegated to:** Chief Executive Officer

**On delegated to:** *The Chief Executive Officer in exercising authority, under Section 5.44 of the Local Government Act, 1995, has delegated this power to the Deputy Chief Executive Officer, Manager Engineering Services and Manager Development Services*

**Conditions:** In exercising this delegation, the Chief Executive Officer shall have regard to the provisions of the appropriate State Legislation regarding consumption and sale of liquor and shall, when appropriate, consult with local Police.

**Record of Use:** Applications and approvals to be kept in Filing System.

**Reference:** S5.42 Local Government Act, 1995 (As Amended).

**Council Policy:** Policy 8.11

**Date Adopted:**

**Date Reviewed:** 20 May 2015

**Date Reviewed and Amended:** 21 May 2014

## 08 IMPOUNDING GOODS – AUTHORISED EMPLOYEE

**Function to be performed:** The Chief Executive Officer is delegated authority to:

- 1) Authorise an employee in accordance with Section 3.39 to remove and impound any goods that are involved in a contravention that can lead to impounding;
- 2) Take appropriate action in respect to impounded non-perishable goods in accordance with Section 3.42;
- 3) Give notice in accordance with Section 3.44 to collect goods.
- 4) Refuse to allow goods to be collected until all costs have been paid in accordance with Section 3.46;
- 5) Take action to recover expenses in accordance with Section 3.48.

**Delegated to:** Chief Executive Officer

**On delegated to:** *The Chief Executive Officer in exercising authority, under Section 5.44 of the Local Government Act, 1995, has delegated this power to the Manager Development Services and Manager Engineering Services.*

**Conditions:** Subject to the express provisions contained in the Local Government Act 1995 and Local Government (Functions and General) Regulations 1996, Pt 6.

**Record of Use:** Report to Council.

**Reference:** Local Government Act, 1995 (As Amended) – S5.42  
Local Government Act, 1995 – Sections 3.39, 3.42, 3.44, 3.46 and 3.48.

**Council Policy:** N/A

**Date Adopted:**

**Date Reviewed:** 20 May 2015

**Date Reviewed and Amended:** 17 July 2013

## 09 ONUS OF PROOF IN VEHICLE OFFENCES

<b>Function to be performed:</b>	The Chief Executive Officer is delegated authority to issue notices under Section 9 of the Local Government Act, 1995, to vehicle owners where a vehicle offence is alleged to have been committed and the identity of the person committing the alleged offence is not known and cannot immediately be ascertained (S9.13 of the Act).
<b>Delegated to:</b>	Chief Executive Officer
<b>On delegated to:</b>	<i>The Chief Executive Officer in exercising authority, under Section 5.44 of the Local Government Act, 1995, has delegated this power to the Manager Development Services, Ranger and Manager Engineering Services</i>
<b>Conditions:</b>	Subject to the express provisions contained in the Local Government Act 1995.
<b>Record of Use:</b>	Retention of file copy of relevant correspondence.
<b>Reference:</b>	Local Government Act, 1995 (As Amended) – S9.13
<b>Council Policy:</b>	N/A
<b>Date Adopted:</b>	
<b>Date Reviewed:</b>	20 May 2015
<b>Date Reviewed and Amended:</b>	21 May 2014

## 10 ENFORCEMENTS AND LEGAL PROCEEDINGS

- Function to be performed:**
- 1) To appoint persons or classes of person to be authorised for the purposes of performing particular functions in regard to the enforcement of laws.
  - 2) To issue to each person authorised to enforce laws a certificate stating that the person is so authorised and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person.
  - 3) To extend the time period within which infringement notices may be paid (S9.19 of the Act).
  - 4) Use discretion to withdraw any infringement notice issued by an Authorised Office under the Act, following consideration of any submissions of special circumstances relating to it received from the Authorised Office, the notice recipient or other persons (S9.20 of the Act).

**Delegated to:** Chief Executive Officer

**On delegated to:** *The Chief Executive Officer in exercising authority, under Section 5.44 of the Local Government Act, 1995, has delegated this power to the Manager Development Services and Ranger.*

**Conditions:** Compliance with:  
Local Government Act 1995 (As Amended) S9.23  
Dog Act 1976  
Bush Fire Act 1954  
Health Act 1911  
Local Laws, Parking and Dogs  
Council Policy  
Miscellaneous Provisions Act 1960  
Cat Act 2011

**Record of Use:** Retention of file copy of relevant correspondence.

**Reference:** S5.42/S5.44, S9.10, S9.19, S9.20 and S9.23 Local Government Act, 1995 (As Amended)  
Section 44.9 Miscellaneous Provisions Act 1960.

**Council Policy:** N/A

**Date Adopted:**

**Date Reviewed:** 20 May 2015

**Date Reviewed and Amended:** 21 May 2014

## **II DELEGATION OF POWER**

**Function to be performed:** In the absence, for any reason of the appointed Chief Executive Officer, the officer authorised to exercise delegations is the person appointed as Deputy Chief Executive Officer.

**Delegated to:** Chief Executive Officer

**On delegated to:** N/A

**Conditions:** The person acting as Chief Executive Officer shall be appointed by Council.

**Record of use:** Retention of file copy of relevant appointment in Personnel File.

Records to be kept under the provisions of **General Disposal Authority for Local Government Records** Legislation.

**Reference:** S5.42 Local Government Act 1995 (As Amended).

**Council Policy:**

**Date Adopted:**

**Date Reviewed:** 20 May 2015

**Date Reviewed and Amended:** 21 May 2014

## 12 PROCEEDINGS UNDER DOG ACT

**Function to be performed:** In accordance with Section 44 of the Dog Act 1976, the Chief Executive Officer is delegated authority to institute and carry on proceedings in the name of the Shire of Moora in respect to offences alleged to have been committed within the district of the Shire of Moora against the Dog Act.

This delegation also enables the Chief Executive Officer to issue infringement notices pursuant to the provisions of Section 29 of the Dog Act 1976.

**Delegated to:** Chief Executive Officer

**On delegated to:** *The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act, 1995, has delegated this power/duty to the Manager Development Services, and appointed Dog Control Officer/Ranger. Only the Manager Development Services be authorised to take enforcement proceedings under Section 44(2) of the Dog Act, including the retaining of legal advice if considered desirable by the CEO.*

**Conditions:** Nil.

**Record of use:** Report to Council.

**Reference:** Dog Act 1976 – S44, S29

**Council Policy:**

**Date Adopted:**

**Date Reviewed:** 20 May 2015

**Date Reviewed and Amended:** 17 July 2013



### 13 PURCHASE ORDER AUTHORISATION

**Function to be performed:** Council delegates its authority and power to the Chief Executive Officer to sign Purchase Orders for items contained within the current budget.

This delegation includes authorisation for the CEO to accept a tender for purchase up to an amount of \$100,000 (Local Government Act 1995 section 5.43 (b)).

**Delegated to:** Chief Executive Officer (Level 1)

**On delegated to:** *The Chief Executive Officer in exercising authority, under Section 5.44 of the Local Government Act, 1995, has delegated this power/duty to the following Officers.*

Level 2 Deputy Chief Executive Officer  
Level 2 Manager Development Services  
Level 2 Manager Engineering Services  
Level 3 Works Supervisor  
Level 3 Head Mechanic  
Level 4 Parks & Gardens Leading Hand  
Level 4 HR/Payroll Officer  
Level 4 Community Emergency Services Manager

**Conditions:** Limits on amounts:  
a) Level 1 (CEO) - \$100,000 excluding the purchase of freehold land and real estate.  
b) Level 2 – up to \$20,000 excluding the purchase of freehold land real estate.  
c) Level 3 – up to \$5,000 excluding capital items.  
d) Level 4 – Within area of responsibility up to a maximum of \$1,000 excluding capital items.

**Record of use:** Duplicate of purchase order to be handed to Creditor Clerk. Triplicate stored in original purchase order book. Completed order books to be returned to Creditor Clerk for archiving.  
Register to be kept under the provisions of **General Disposal Authority for Local Government Records** Legislation.

**Reference:** S5.42 Local Government Act 1995 (As Amended).

**Council Policy:** Purchasing Policy

**Date Adopted:**

**Date Reviewed:** 20 May 2015

**Date Reviewed and Amended:** 21 May 2014

## 14 BUDGET EXPENDITURE

**Function to be performed:** The Chief Executive Officer is delegated authority to approve expenditure on goods and/or services and programs/projects for which funds have been provided in the Annual Budget without further reference to the Council. In exercising this delegated authority the Chief Executive Officer shall:

- 1) provide for appropriate internal control over all expenditure;
- 2) ensure all statutory requirements are met; and
- 3) ensure all Council policies are observed.

**Delegated to:** Chief Executive Officer

**On delegated to:** *The Chief Executive Officer in exercising authority, under Section 5.44 of the Local Government Act, 1995, has delegated this power to the Deputy Chief Executive Officer Manager Development Services and Manager Engineering Services*

**Conditions:** Nil.

**Record of use:** Retention of File Copy of internal control procedures.

Records to be kept under the provision of **General Disposal Authority for Local Government Records** Legislation.

**Reference:** S5.42 Local Government Act 1995 (As Amended)

**Council Policy:** N/A

**Date Adopted:**

**Date Reviewed:** 20 May 2015

**Date Reviewed and Amended:** 21 May 2014

## **COUNCIL/MEMBERS**

### **15 REGISTER OF DELEGATIONS TO COMMITTEES**

**Function to be performed:** The Chief Executive Officer is delegated authority to keep a Register of the Delegations made by Council to Committees, the Register being required in accordance with the provisions of Section 5.18 of the Act.

Council acknowledges that this task could be interpreted to be a function of the CEO under Section 5.41 (d) – management of day to day operations.

**Delegated to:** Chief Executive Officer

**On delegated to:** N/A

**Conditions:** The Register is only required if Committees are in existence and have delegated powers of duties.

**Record of use:** Register

**Reference:** S5.42 and S5.18 Local Government Act 1995 (As Amended).

**Council Policy:** N/A

**Date Adopted:**

**Date Reviewed:** 20 May 2015

**Date Reviewed and Amended:**

## **ENGINEERING**

### **16 DONATIONS OF WORKS TO ORGANISATIONS**

**Function to be performed:** Council delegates its authority and power to the Chief Executive Officer to exercise discretion on the use of Council resources on small community works for local facilities in accordance with Policy 4.8.

**Delegated to:** Chief Executive Officer

**On delegated to:** *The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act, 1995, has delegated this power/duty to the Manager Engineering Services.*

**Conditions:** Subject to Policy 4.8.

**Record of use:** Record to be kept on appropriate file.

**Reference:** S5.42 Local Government Act 1995 (As Amended).

**Council Policy:** Policy 4.8

**Date Adopted:**

**Date Reviewed:** 20 May 2015

**Date Reviewed and Amended:** 17 June 2009

## 17 PRIVATE WORKS

**Function to be performed:** Council delegates its authority and power to the Chief Executive Officer to use absolute discretion in accepting or rejecting requests for private works in accordance with Policy 4.9.

**Delegated to:** Chief Executive Officer

**On delegated to:** *The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act, 1995, has delegated this power/duty to the Manager Engineering Services.*

**Conditions:** Subject to Policy 4.9.

**Record of use:** Record to be kept on appropriate file.

**Reference:** S5.42 Local Government Act 1995 (As Amended).

**Council Policy:** Policy 4.9

**Date Adopted:**

**Date Reviewed:** 20 May 2015

**Date Reviewed and Amended:** 17 June 2009

## 18 TEMPORARY RURAL ROAD CLOSURES

<b>Function to be performed:</b>	Council delegates its authority and power to the Chief Executive Officer to temporarily close a street or a portion of a street for a period not exceeding 60 days to vehicles in cases of emergency in connection with Council works or by reason of heavy rain, a street is likely to be damaged by the passage of traffic of any particular class.
<b>Delegated to:</b>	Chief Executive Officer
<b>On delegated to:</b>	<i>The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act, 1995, has delegated this power/duty to the Manager Engineering Services.</i>
<b>Conditions:</b>	Compliance with the Local Government (Functions and General) Regulations 1996.
<b>Record of use:</b>	Retention of file copy of relevant correspondence. Records to be kept under the provisions of <b><u>General Disposal Authority for Local Government Records</u></b> Legislation.
<b>Reference:</b>	Local Government Act 1995 (As Amended) – S5.42, S3.50, S3.51 Local Government (Function and General) Regulations 1996.
<b>Council Policy:</b>	N/A
<b>Date Adopted:</b>	
<b>Date Reviewed:</b>	20 May 2015
<b>Date Reviewed and Amended:</b>	17 June 2009

## 19 POWERS OF ENTRY ONTO LAND

<b>Function to be performed:</b>	Council delegates its authority and power to the Chief Executive Officer to undertake the functions and duties required under Part 3 – (Power of Entry) of the Local Government Act 1995 in respect of Section 3.39 – Appointment of Authorised Persons for the purpose of removing and impounding goods that are involved in the contravention which can lead to impounding. Section 3.40 – Removal of Vehicle and impounding of goods by an authorised person. Section 3.42 – Action required in respect to impounding of non-perishable goods. Section 3.44 – The Issue of Notices regarding collection of goods if not confiscated. Section 3.46 – Withholding of goods pending payment of costs. Section 3.47 – The Disposal of confiscated goods. Section 3.48 – Recovery of Costs incurred in the impounding exercise.
<b>Delegated to:</b>	Chief Executive Officer
<b>On delegated to:</b>	<i>The Chief Executive Officer in exercising authority under section 5.44 of the Local Government Act 1995, has delegated this power to the Manager Engineering Services, Manager Development Services, Manager Building Services and the Ranger.</i>
<b>Conditions:</b>	Compliance with the Local Government (Functions and General) Regulations 1996 and Council Policies.
<b>Record of use:</b>	Retention of file copy of relevant correspondence.  Records to be kept under the provisions of <b><u>General Disposal Authority for Local Government Records</u></b> Legislation.
<b>Reference:</b>	Local Government Act 1995 (As Amended) – S5.42, S3.39, S3.40, S3.44, S3.46, S3.47 Local Government (Function and General) Regulations 1996.
<b>Council Policy:</b>	N/A
<b>Date Adopted:</b>	
<b>Date Reviewed:</b>	20 May 2015
<b>Date Reviewed and Amended:</b>	21 May 2014

## **TOWN PLANNING AND BUILDING**

### **20 APPROVAL OF PLANNING APPLICATIONS**

**Function to be performed:** Council delegates its authority and power to the Manager Development Services to approve planning applications that meet all the requirements of Council's Town Planning Scheme, for an indefinite period of time.

**Delegated to:** Manager Development Services

**On delegated to:** As required to authorised planning consultants Gray & Lewis Land Use Planners

**Conditions** Council to be provided monthly with a list of planning approvals issued under delegated authority.

**Record of use:** Reports to Council.

**Reference:** Shire of Moora Town Planning Scheme.

**Council Policy** N/A

**Date Adopted:**

**Date Reviewed:** 20 May 2015

**Date Reviewed and Amended:** 17 July 2013



## 21 WORKS - UNLAWFUL

**Function to be performed:** Council delegates its authority and power to the Chief Executive Officer to issue stop work notices pursuant to Section 401A of the Local Government (Miscellaneous Provisions) Act 1960 where a breach of building requirements is considered by the Chief Executive Officer to be of a magnitude sufficient to warrant issue of a notice.

The Chief Executive Officer is to withdraw stop work notices pursuant to Section 401A of the Local Government (Miscellaneous Provisions) Act 1960 where the breach for which the notice has been issued is corrected to the satisfaction of the Chief Executive Officer.

**Delegated to:** Chief Executive Officer

**On delegated to:** *The Chief Executive Officer in exercising authority under section 5.44 of the Local Government Act 1995, has delegated this power to the Manager Development Services.*

**Conditions:** Before exercising the authority contained in this delegation, the Chief Executive Officer shall liaise with Council's Building Surveyor.

Applicant being advised of objections and/or appeal rights.

**Record of use:** Notices and correspondence issued.

**Reference:** Local Government (Miscellaneous Provisions) Act 1960 – Pt 15.

**Council Policy:**

**Date Adopted:**

**Date Reviewed:** 20 May 2015

**Date Reviewed and Amended:** 17 June 2009

## 22 BUILDING LICENCES

<b>Function to be performed:</b>	<p>Council delegates its authority and power to the “Manager Building Services” in accordance with S374 (1b) of the Local Government (Miscellaneous Provisions) Act 1960 in respect of:</p> <ol style="list-style-type: none"><li>1) Approval or refusal of plans and specifications relating to applications for building licences and the authority to issue or refuse building licences, including the authority to impose conditions as appropriate.</li><li>2) The authority to extend, for a period not exceeding twelve months, time for an applicant who has been issued a licence, to complete construction.</li><li>3) The authority to approve or refuse amended plans and/or specifications including the authority to impose conditions as appropriate.</li></ol>
<b>Delegated to:</b>	Manager Building Services and an authorised building surveyor (during relief periods).
<b>On delegated to:</b>	N/A
<b>Conditions:</b>	<p>Subject to the provisions of Section 3.74 of the Local Government (Miscellaneous Provisions) Act 1960 and subject to the relevant building codes, Local Laws, Council’s Policies and specific Resolutions of Council.</p> <p>Prior to issuing a building licence in respect of an outbuilding which exceeds 75m<sup>2</sup> in area or 3m in height, the application shall be submitted to Council for consideration.</p> <p>Applicant being advised of objection and/or appeal rights.</p>
<b>Record of use:</b>	Licences and correspondence issued.
<b>Reference:</b>	Local Government (Miscellaneous Provisions) Act 1960 Part 15
<b>Council Policy:</b>	N/A
<b>Date Adopted:</b>	
<b>Date Reviewed:</b>	20 May 2015
<b>Date Reviewed and Amended:</b>	21 May 2014

## **23 PRIVATE SWIMMING POOLS - INSPECTIONS**

**Function to be performed:** Council delegates its authority and power to the “Building Surveyor” in accordance with S245A (5), (6) and (7) of the Local Government (Miscellaneous Provisions) Act 1960 in respect of inspecting and enforcing private swimming pool local laws or regulations.

**Delegated to:** Manager Development Services

**On delegated to:** Ranger

**Conditions:** Subject to the provisions of Section 245A of the Local Government (Miscellaneous Provisions) Act 1960 and subject to the relevant Local Laws, Council’s Policies and specific Resolutions of Council.

**Record of use:** Licences and correspondence issued.

**Reference:** Local Government (Miscellaneous Provisions) Act 1960

**Council Policy:** N/A

**Date Adopted:**

**Date Reviewed:** 20 May 2015

**Date Reviewed and Amended:** 17 July 2013

## HEALTH

### 24 HEALTH ACT – NOTICES AND ORDERS

<b>Function to be performed:</b>	Council delegates its authority and power to the Chief Executive Officer to exercise and discharge all of the following powers and functions under the Health Act 1911 (as amended): <ol style="list-style-type: none"><li>1) The forming of opinions and making of declarations.</li><li>2) The grant and issue of licences, permits, certificates and approvals.</li><li>3) The issue of notices, orders and requisitions and the carrying out and putting into effect of notices, orders and requisitions.</li><li>4) The ordering and authorisation of legal proceedings for breaches of the Act and all Regulations, Local Laws and Orders made there under.</li></ol>
<b>Delegated to:</b>	Manager Development Services and an authorised Environmental Health Officer (during relief periods).
<b>On delegated to:</b>	No on delegation permitted.
<b>Conditions:</b>	Subject to the provisions of the Health Act, Local Laws and Council Policies.  Applicant being advised of objections and/or appeal rights.  Detailed report to Council monthly.
<b>Record of use:</b>	Retention of file copy of relevant correspondence.  Records to be kept under the provisions of <b><u>General Disposal Authority for Local Government Records</u></b> Legislation.
<b>Reference:</b>	Health Act 1911 (As Amended)
<b>Council Policy:</b>	Policy 5.1, Policy 7.8 (sheds or outbuildings may be licensed as temporary accommodation during the building of a house).
<b>Date Adopted:</b>	
<b>Date Reviewed:</b>	20 May 2015
<b>Date Reviewed and Amended:</b>	17 July 2013

## 25 TREATMENT OF SEWERAGE AND DISPOSAL OF LIQUID WASTE

<b>Function to be performed:</b>	Pursuant to the provisions of Section 26 of the Health Act 1911 Chief Executive Officer is hereby appointed and authorised to exercise and discharge powers and functions conferred on local government for the purpose of Regulations 4 of the Health (Treatment of Sewerage and Disposal of Liquid Waste) Regulations 1974.
<b>Delegated to:</b>	Chief Executive Officer
<b>On delegated to:</b>	<i>The Chief Executive Officer in exercising authority under section 5.44 of the Local Government Act 1995, has delegated this power and duty to the Manager Development Services.</i>
<b>Conditions:</b>	Nil.
<b>Record of use:</b>	Retention of file copy of relevant correspondence.  Records to be kept under the provisions of <b><u>General Disposal Authority for Local Government Records</u></b> Legislation.
<b>Reference:</b>	Health Act 1911 – S26
<b>Council Policy:</b>	N/A
<b>Date Adopted:</b>	
<b>Date Reviewed:</b>	20 May 2015
<b>Date Reviewed and Amended:</b>	17 July 2013

## **DELEGATIONS TO COMMITTEES/WORKING GROUPS**

### **(1) Management & Audit Committee**

<b>Membership:</b>	9 Councillors
<b>Role:</b>	Essentially to review the performance of the CEO and provide support to the CEO in employment related matters in respect to other staff.  Power to accept the CEO's recommendation for employment of a senior employee according to contractual conditions agreed in advance by Council (see Policy 1.3). Such decisions to be endorsed by Council.  And
<b>Role:</b>	To fulfil Council's statutory requirements pursuant to the Local Government (Audit) Regulations.
<b>Delegated authority:</b>	Nil.
<b>Meet:</b>	Annually

### **(2) General Purpose Committee**

<b>Membership:</b>	9 Councillors
<b>Role:</b>	The functions of the committee will be to work across the following portfolios <ul style="list-style-type: none"><li>• Finance and Community Services</li><li>• Works and Infrastructure</li><li>• Town Planning, Health and Economic Development.</li></ul>
<b>Meet:</b>	Monthly

**(3) Avon-Midland Zone** Shire President & Deputy President

**(4) CMVROC** Shire President & Deputy President

## **PORTFOLIO GROUPS**

### **(5) Local Emergency Management Committee (LEMC)**

<b>Membership:</b>	Shire President (Chair), Chief Executive Officer, Manager Engineering Services, Manager Development Services and Community Emergency Services Manager plus representatives appointed by the LEMC Committee
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- Role:** To fulfil Council's statutory requirements pursuant to the Emergency Management Act (s.39) 2005.
- a. To advise and assist the local government in establishing local emergency managements for the district;
  - b. to liaise with public authorities and other persons in the development, review and testing of the local emergency management arrangements; and
  - c. to carry out other emergency management activities as directed by SEMC or prescribed by regulations
- Shire Bushfire Brigade Network to report to LEMC via CESM
- Meet:** Quarterly

#### **(6) Council Membership to other Committees**

- St James Residential College Board – Cr Humphry with proxy Cr Pond  
Meets: Monthly (6-8 meetings / year) at CMSHS
- Community Resource Centre Management Committee –  
Cr Holliday  
Meets: Monthly (2<sup>nd</sup> Wednesday)
- Landcare Groups (Rural Water Council / West Koojan-Gillingarra Land Conservation Committee) - Cr Seymour with proxy Cr Hawkins  
Meets: Bi Monthly in Gillingarra
- Wildflower Country Inc. Committee - Cr Keamy with proxy Cr Pond  
Meets: Quarterly in Three Springs
- Wheatbelt North Regional Road Group - Cr Gardiner with proxies Cr Seymour & Cr Pond  
Meets: Half Yearly in Northam
- Moora Sub Regional Road Group - Cr Gardiner with proxies Cr Seymour & Cr Pond  
Meets: On demand / when required in Moora
- Development Assessment Panel  
Members - Cr Humphry and Cr Clydesdale-Gebert  
Alternate members – Cr Pond and Cr Gardiner  
Meets: On demand / when required by Department of Planning

**Date Adopted:** 6 November 2013 (Res # 158/13)

**Date Reviewed:** 20 May 2015

**Date Reviewed and Amended:** 20 May 2015

## **REGISTER OF DELEGATIONS**

To: Chief Executive Officer

From: Shire President

### **Delegations**

In accordance with Local Government Act Section 5.42(1), I advise that the Moora Shire Council on 20 May 2015 resolved, by absolute majority, to delegate the following duties and powers to you:

#### **FINANCE**

- 01 PAYMENTS FROM TRUST AND MUNICIPAL FUNDS
- 02 INVESTMENTS
- 03 HIRE FEES AND CHARGES – RECREATION CENTRE
- 04 RATE BOOK
- 05 BUDGET IMPLEMENTATION
- 06 RENT/ LEASING OR RESIDENTIAL PROPERTY OWENED BY THE SHIRE OF MOORA

#### **ADMINISTRATION**

- 07 LIQUOR – SALE & CONSUMPTION (COUNCIL PROPERTY)
- 08 IMPOUNDING GOODS – AUTHORISED EMPLOYEE
- 09 ONUS OF PROOF IN VEHICLE OFFENCES
- 10 ENFORCEMENTS & LEGAL PROCEEDINGS
- 11 DELEGATION OF POWER
- 12 PROCEEDINGS UNDER DOG ACT
- 13 PURCHASE ORDER AUTHORISATION
- 14 BUDGET EXPENDITURE

#### **COUNCIL/MEMBERS**

- 15 REGISTER OF DELEGATIONS TO COMMITTEES

#### **ENGINEERING**

- 16 DONATIONS OF WORKS TO ORGANISATIONS
- 17 PRIVATE WORKS
- 18 TEMPORARY RURAL ROAD CLOSURES
- 19 POWERS OF ENTRY ONTO LAND

#### **TOWN PLANNING & BUILDING**

- 21 WORKS – UNLAWFUL

#### **HEALTH**

- 25 TREATMENT OF SEWERAGE AND DISPOSAL OF LIQUID WASTE

SHIRE PRESIDENT



## **REGISTER OF DELEGATIONS**

To: Deputy Chief Executive Officer

From: Chief Executive Officer

### **Delegations**

In accordance with Local Government Act Section 5.42 and 5.44, I delegated the following duties/responsibilities to you.

You are to refer to the delegations register for details of this delegation including the scope and conditions of delegation and record of use of the delegation:

#### **FINANCE**

- 01 PAYMENTS FROM TRUST AND MUNICIPAL FUNDS
- 02 INVESTMENTS
- 03 HIRE FEES AND CHARGES – RECREATION CENTRE
- 04 RATE BOOK
- 05 BUDGET IMPLEMENTATION

#### **ADMINISTRATION**

- 07 LIQUOR – SALE & CONSUMPTION (COUNCIL PROPERTY)
- 09 BONUS OF PROOF IN VEHICLE OFFENCES
- 13 PURCHASE ORDER AUTHORISATION
- 14 BUDGET EXPENDITURE

Chief Executive Officer

## **REGISTER OF DELEGATIONS**

To: Manager Development Services

From: Chief Executive Officer

### **Delegations**

In accordance with Local Government Act Section 5.42 and 5.44, I delegated the following duties/responsibilities to you.

You are to refer to the delegations register for details of this delegation including the scope and conditions of delegation and record of use of the delegation:

#### **FINANCE**

- 01 PAYMENTS FROM TRUST AND MUNICIPAL FUNDS
- 05 BUDGET IMPLEMENTATION

#### **ADMINISTRATION**

- 07 LIQUOR – SALE & CONSUMPTION (COUNCIL PROPERTY)
- 08 IMPOUNDING GOODS – AUTHORISED EMPLOYEE
- 09 BONUS OF PROOF IN VEHICLE OFFENCES
- 10 ENFORCEMENTS & LEGAL PROCEEDINGS
- 12 PROCEEDINGS UNDER DOG ACT
- 13 PURCHASE ORDER AUTHORISATION
- 14 BUDGET EXPENDITURE

#### **ENGINEERING**

- 19 POWERS OF ENTRY ONTO LAND

#### **TOWN PLANNING AND BUILDING**

- 20 APPROVAL OF PLANNING APPLICATIONS
- 21 WORKS – UNLAWFUL
- 23 PRIVATE SWIMMING POOLS - INSPECTIONS

#### **HEALTH**

- 24 HEALTH ACT – NOTICES AND ORDERS
- 25 TREATMENT OF SEWERAGE AND DISPOSAL OF LIQUID WASTE

Chief Executive Officer

## **REGISTER OF DELEGATIONS**

To: Manager Engineering Services

From: Chief Executive Officer

### **Delegations**

In accordance with Local Government Act Section 5.42 and 5.44, I delegated the following duties/responsibilities to you.

You are to refer to the delegations register for details of this delegation including the scope and conditions of delegation and record of use of the delegation:

#### **FINANCE**

- 01 PAYMENTS FROM TRUST AND MUNICIPAL FUNDS
- 05 BUDGET IMPLEMENTATION

#### **ADMINISTRATION**

- 07 LIQUOR – SALE & CONSUMPTION (COUNCIL PROPERTY)
- 08 IMPOUNDING GOODS – AUTHORISED EMPLOYEE
- 09 BONUS OF PROOF IN VEHICLE OFFENCES
- 13 PURCHASE ORDER AUTHORISATION
- 14 BUDGET EXPENDITURE

#### **ENGINEERING**

- 16 DONATIONS OF WORKS TO ORGANISATIONS
- 17 PRIVATE WORKS
- 18 TEMPORARY RURAL ROAD CLOSURES
- 19 POWERS OF ENTRY ONTO LAND

Chief Executive Officer

## **REGISTER OF DELEGATIONS**

To: Manager Building Services

From: Chief Executive Officer

### **Delegations**

In accordance with Local Government Act Section 5.42 and 5.44, I delegated the following duties/responsibilities to you.

You are to refer to the delegations register for details of this delegation including the scope and conditions of delegation and record of use of the delegation:

#### **ENGINEERING**

19 POWERS OF ENTRY ONTO LAND

#### **TOWN PLANNING AND BUILDING**

22 BUILDING LICENCES

Chief Executive Officer