



Shire of Narembeen Delegations Register



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1 Local Government Act 1995 Delegations

1.1 Council to Committees of Council

1.1.1 *[Audit & Risk Committee deleted]*

1.1.2 *[Behaviour Complaints Committee deleted]*

1.2 Council to CEO

1.2.1 Powers of Entry

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<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
Delegate:	Chief Executive Officer
Function:	1. Authority to exercise powers of entry to enter onto land to perform any of the local government functions under this Act, other than entry under a Local Law [s.3.28]. 2. Authority to give notice of entry [s.3.32]. 3. Authority to seek and execute an entry under warrant [s.3.33]. 4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]. 5. Authority to give notice and effect entry by opening a fence [s.3.36].
Council Conditions on this Delegation:	Delegated authority under s.3.34(1) and (3) may only be used where there is imminent or substantial risk to public safety or property.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Corporate Services Executive Manager Infrastructure Services Ranger
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub-delegations, excluding the power of sub-delegation.
Compliance Links:	Local Government Act 1995: s.9.10 Appointment of authorised persons – refer also s.3.32(2)] Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry s.3.34(2) Entry in an emergency
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

1.2.2 Declare Vehicle is Abandoned Vehicle Wreck

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.40A(4) Abandoned vehicle wreck may be taken
Delegate:	Chief Executive Officer
Function:	Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
Council Conditions on this Delegation:	Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 2.4 Confiscated or Uncollected Goods or alternatively, referred for Council decision.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Infrastructure Services Ranger
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub-delegations, excluding the power of sub-delegation.
Compliance Links:	<u>Local Government Act 1995</u> : Part 3, Division 3, Subdivision 3 Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available <u>Here</u>) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . All documentation relating to the disposal of a declared abandoned vehicle wreck is to be recorded in accordance with the Shire of Narembeen Record Keeping Plan.
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

1.2.3 Confiscated or Uncollected Goods

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<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
Delegate:	Chief Executive Officer
Function:	1. Authority to refuse to allow goods impounded under s.3.39 or s.3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. [s.3.46] 2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47]. 3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48]. 4. The period after which goods may be sold or otherwise disposed of under subsection (2b) is: a. for perishable goods — 3 days; b. for animals — 7 days; b. for prescribed non-perishable goods — one month; c. for other non-perishable goods — 2 months.
Council Conditions on this Delegation:	a. 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. b. The Delegation can only be used where the Delegate's reasonable efforts to identify and contract an owner have failed. c. If the market value is less than \$500, then the uncollected goods/abandoned vehicles are to be disposed of via a Private Treaty.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Infrastructure Services
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub-delegations, excluding the power to sub-delegations.
Compliance Links:	Local Government Act 1995 Part 3, Division 3, Subdivision 3 s.58 Disposing of Property – applies to the sale of goods under s.3.47 as if they were property referred to in that section. Delegates are designed employees under s.5.74 and are required to provide Primary and Annual Returns.

Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>. All documentation relating to the disposal of confiscated or uncollected goods is to be recorded in accordance with the Shire of Narembeen Record Keeping Plan.
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

1.2.4 Disposal of Sick or Injured Animals

Delegator:	Local Government
Express Power to Delegate:	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
Delegate:	Chief Executive Officer
Function:	1. 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)]. 2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Council Conditions on this Delegation:	Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Infrastructure Services Ranger
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub-delegation, excluding the power of sub-delegation.
Compliance Links:	Local Government Act 1995 Part 3, Division 3, Subdivision 3 s.58 Disposing of Property – applies to the sale of goods under s.3.47 as if they were property referred to in that section. Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

1.2.5 Close Thoroughfares to Vehicles

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<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
Delegate:	Chief Executive Officer
Function:	1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)]. 2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: • give public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and • consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)]. 3. Authority to revoke an order to close a thoroughfare [s.3.50(6)]. 4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A] 5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s.3.51].
Council Conditions on this Delegation:	a. 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)]. b. Where the closure is required for the conduct of an event, the requirements of the <i>Road Traffic (Events on Roads) Regulations 1991</i> will be applied.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Infrastructure Services
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub-delegation, excluding the power of sub-delegation.
Compliance Links:	Local Government Act 1995 : Part 3, Division 3, Subdivision 3 Road Traffic (Events on Roads) Regulations 1991 Local Government (Uniform Local Provisions) Regulations 1996

	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

1.2.6 Obstruction of Footpaths and Thoroughfares

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left – Sch. 9.1 cl. 3(1)(a) r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b) r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)
Delegate:	Chief Executive Officer
Function:	- 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: - prevent damage to the footpath; or - prevent inconvenience to the public or danger from falling materials [ULP r.5(2)]. - Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)]. - Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)]. - Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A]. - Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].
Council Conditions on this Delegation:	- Actions under this Delegation must comply with procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>. - Permission may only be granted where the proponent has: - Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. - 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. - 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.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Infrastructure Services
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub-delegation, excluding the power of sub-delegation.
Compliance Links:	<u>Local Government (Uniform Local Provisions) Regulations 1996</u> Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <u>Local Government Act 1995</u> <u>Road Traffic (Events on Roads) Regulations 1991</u> Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available <u>Here</u>) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

1.2.7 Public Thoroughfare – Dangerous Excavations

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<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
Delegate:	Chief Executive Officer
Function:	1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)]. 2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)]. 3. Authority to impose conditions on granting permission [ULP r.11(6)]. 4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].
Council Conditions on this Delegation:	a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Permission may only be granted where, the proponent has: i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s:	Nil
CEO Conditions on this Sub-Delegation:	Not applicable
Compliance Links:	Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures. Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995

	Delegates are designated employees under s5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

1.2.8 Crossings – Construction, Repair and Removal

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<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)
Delegate:	Chief Executive Officer
Function:	1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r.12(1)]. 2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)]. 3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)]. 4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].
Council Conditions on this Delegation:	a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Maintenance and upkeep of the crossing to a safe and useable standard is the responsibility of the property owner.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Infrastructure Services
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub-delegation, excluding the power of sub-delegation.
Compliance Links:	Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995 Policy 10.1.8 – Crossovers Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

1.2.9 Expressions of Interest for Goods and Services

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<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 r.24 Person expressing interest to be notified of outcome
Delegate:	Chief Executive Officer
Function:	1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21]. 2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r.23].
Council Conditions on this Delegation:	Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s:	Nil
CEO Conditions on this Sub-Delegation:	Not applicable
Compliance Links:	Local Government (Functions and General) Regulations 1996 prescribe applicable statutory procedures WALGA Subscription Service – Procurement Toolkit Council Policy - Procurement Framework Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . Details to be recorded in the Tender Register.
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

1.2.10 Tenders for Goods and Services – Call Tenders

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<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.11(1), (2) When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for
Delegate:	Chief Executive Officer
Function:	1. Authority to call tenders [F&G r.11(1)]. 2. Authority to invite tenders although not required to do so [F&G r.13]. 3. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 4. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 5. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)].
Council Conditions on this Delegation:	a. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget and where the: i. proposed goods or services are required to fulfil a routine contract related to the day-to-day operations of the Local Government, ii. current supply contract expiry is imminent, iii. value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and iv. The tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council. b. In accordance with the requirements of Shire of Narembreen Procurement Framework as it relates to tendering.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s:	Nil
CEO Conditions on this Sub-Delegation:	Not applicable
Compliance Links:	Local Government Act 1995 Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures WALGA Subscription Service – Procurement Toolkit

	Council Policy - Procurement Framework Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . Entry in the Tender Register in accordance with Regulation 17 <i>Local Government (Functions and General) Regulations 1996</i> . Documentation to be recorded in accordance with the Shire of Narembeen Record Keeping Plan.
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

1.2.11 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<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.11(2)(j) Exercising contract extension options r.18(2), (4), (4a), (5), (6) and (7) Rejecting and accepting tenders r.20(1), (2), (3) Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
Delegate:	Chief Executive Officer
Function:	1. Authority to determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender [F&G.r.18(2)]. 2. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)]. 3. Authority to assess, by written evaluation, tenders that have not been rejected, to determine: i. The extent to which each tender satisfies the criteria for deciding which tender to accept; and ii. To accept the tender that is most advantageous within the \$250,000 detailed as a condition on this Delegation [F&G r.18(4)]. 4. Authority to decline to accept any tender [F&G r.18(5)]. 5. Authority to accept the next most advantageous tender if, within 6-months of accepting a tender, a contract has not been entered into OR the local government and the successful tenderer agree to terminate the contract [F&G r.18(6) & (7)]. 6. Authority to determine whether variations in goods and services required are minor variations, and to negotiate with the successful tenderer to make minor variations before entering into a contract [F&G r.20(1) and (3)]. 7. Authority to choose the next most advantageous tender to accept, if the chosen tenderer is unable or unwilling to form a contract to supply the varied requirement OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer [F&G r.20(2)]. 8. Authority to vary a tendered contract, after it has been entered into, provided the variation/s are necessary for the goods and services to be supplied, and do not change the scope of the original contract or increase the contract value beyond 10% or to a maximum of \$100,000 whichever is the lesser value [F&G r.21A(a)]. 9. Authority to exercise a contract extension option that was included in the original tender specification and contract in accordance with r.11(2)(j). 10. As an exception to clause #8, authority to vary a tendered contract, after it has been entered into, provided the variation(s) are necessary to maintain compliance with the Fair Work

	Commission's "Road Transport Contractual Chain Order – Fuel Cost Recovery - 2026" (MS900102). This delegation will cease when the Fair Work Commission's Order ceases under its own mechanisms and does not extend to future variations of the Order or any subsequent Orders
Council Conditions on this Delegation:	a. Exercise of authority under F&G.r.18(2) requires consideration of whether or not the requirements as specified in the invitation to tender have been expressed as mandatory and if so, discretion may not be capable of being exercised – consider process contract implications. b. In accordance with s.5.43(b), tenders may only be accepted under this delegation, where: i. The total consideration under the resulting contract is \$250,000 or less; ii. The expense is included in the adopted Annual Budget; and iii. The tenderer has complied with requirements under F&G r.18(2) and (4). c. A decision to vary a tendered contract <u>before</u> entry into the contract <i>[F&G r.20(1) and (3)]</i> must include evidence that the variation is minor in comparison to the total goods or services that tenderers were invited to supply. d. A decision to vary a tendered contract <u>after</u> entry into the contract <i>[F&G r.21A(a)]</i> must comply with the adopted Council Policy – Procurement Framework and must include evidence that the variation is necessary and does not change the scope of the contract. e. A decision to renew or extend the contract must only occur where the original contract contained the option to renew or extend its term as per r.11(2)(j) and that the contractor's performance has been reviewed and the review evidences the rationale for entering into the extended term.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s:	Nil
CEO Conditions on this Sub-Delegation:	Not applicable.
Compliance Links:	Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures WALGA Subscription Service – Procurement Toolkit Council Policy - Procurement Framework Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

1.2.12 Tenders for Goods and Services – Exempt Procurement

Delegator:	Local Government														
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO														
Express Power or Duty Delegated:	<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.11(2) When tenders have to be publicly invited (<i>exemptions</i>)														
Delegate:	Chief Executive Officer														
Function:	1. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is expected to be included in the adopted Annual Budget [F&G.r.11(2)]. 2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine to contract directly with a suitable supplier [F&G r.11(2)(f)].														
Council Conditions on this Delegation:	a. Tender exempt procurement under F&G.r.11(2) may only be approved where the total consideration under the resulting contract is expected to be less than the maximum \$value specified for the following categories: <table border="1"> <thead> <tr> <th>Category</th><th>Maximum Value for individual contracts</th></tr> </thead> <tbody> <tr> <td>WALGA Preferred Supplier Program [F&G.r.11(2)(b)]</td><td>\$250,000</td></tr> <tr> <td>Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)]</td><td>\$250,000</td></tr> <tr> <td>Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.(2)(f)]</td><td>\$250,000</td></tr> <tr> <td>Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]</td><td>\$250,000</td></tr> <tr> <td>Goods or services supplied by a person registered on the Aboriginal Business Directory WA <u>OR</u> Indigenous Minority Supplier Office Limited (T/as Supply Nation) <u>AND</u> where satisfied that the contract represents value for money. [F&G.r.11(2)(h)]</td><td>\$250,000* <i>*as specified in F&G.r.11(2)(h)(ii)</i></td></tr> <tr> <td>Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)]</td><td>\$250,000</td></tr> </tbody> </table>	Category	Maximum Value for individual contracts	WALGA Preferred Supplier Program [F&G.r.11(2)(b)]	\$250,000	Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)]	\$250,000	Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.(2)(f)]	\$250,000	Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]	\$250,000	Goods or services supplied by a person registered on the Aboriginal Business Directory WA <u>OR</u> Indigenous Minority Supplier Office Limited (T/as Supply Nation) <u>AND</u> where satisfied that the contract represents value for money. [F&G.r.11(2)(h)]	\$250,000* <i>*as specified in F&G.r.11(2)(h)(ii)</i>	Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)]	\$250,000
Category	Maximum Value for individual contracts														
WALGA Preferred Supplier Program [F&G.r.11(2)(b)]	\$250,000														
Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)]	\$250,000														
Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.(2)(f)]	\$250,000														
Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]	\$250,000														
Goods or services supplied by a person registered on the Aboriginal Business Directory WA <u>OR</u> Indigenous Minority Supplier Office Limited (T/as Supply Nation) <u>AND</u> where satisfied that the contract represents value for money. [F&G.r.11(2)(h)]	\$250,000* <i>*as specified in F&G.r.11(2)(h)(ii)</i>														
Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)]	\$250,000														

	b. Tender exempt procurement under F&G r.11(2)(f) may only be approved where a record is retained that evidences: i. A detailed specification; ii. The outcomes of market testing of the specification; iii. The reasons why market testing has not met the requirements of the specification; iv. Rationale for why the supply is unique and cannot be sourced through other suppliers; and v. The expense is included in the adopted Annual Budget. c. Where the total consideration of a Tender Exempt procurement contract exceeds the \$250,000 delegated above, the decision is to be referred to Council.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s:	Nil
CEO Conditions on this Sub-Delegation:	Not applicable
Compliance Links:	Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures WALGA Subscription Service – Procurement Toolkit Council Policy - Procurement Framework Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

1.2.13 Panels of Pre-Qualified Suppliers for Goods and Services

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<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
Delegate:	Chief Executive Officer
Function:	1. 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)]. 2. Authority to, 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)]. 3.. Authority to 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)]. 4. Authority to 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)]. 5. Authority to 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)]. 6. Authority to request clarification of information provided in a submission by an applicant [F&G r.24AH(4)]. 7. Authority to decline to accept any application [F&G r.24AH(5)]. 8. Authority to 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)].
Council Conditions on this Delegation:	a. In accordance with s.5.43, panels of pre-qualified suppliers may only be established, where the total consideration under the resulting contract is \$250,000 or less and the expense is included in the adopted Annual Budget.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s:	Nil
CEO Conditions on this Sub-Delegation:	Not applicable

Compliance Links:	Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures WALGA Subscription Service – Procurement Toolkit Council Policy - Procurement Framework Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>. Entry in the Tender Register in accordance with Regulation 17 <i>Local Government (Functions and General) Regulations 1996</i>. Documentation to be recorded in accordance with the Shire of Narembeen Record Keeping Plan. Original tender documentation to be kept in the strong room.
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

1.2.14 Application of Regional Price Preference Policy

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Functions and General) Regulations 1996:</i> r.24G Adopted regional price preference policy, effect of
Delegate:	Chief Executive Officer
Function:	Authority to decide when not to apply the regional price preference policy to a particular future tender [F&G r.24G].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s:	Nil
CEO Conditions on this Sub-Delegation:	No applicable
Compliance Links:	<u>Local Government (Functions & General) Regulations 1996</u> <u>Council Policy - Procurement Framework</u>
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . The decision on whether a regional price preference is to be applied to a particular tender is to be included in the tender specifications for that tender.
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

1.2.15 Renewal or Extension of Contracts During a State of Emergency

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> Regulation 11 'When tenders have to be publicly invited' Tender exemption under subregulation 11(2)(ja)
Delegate:	Chief Executive Officer
Function:	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to execute a renewal or extension to the term of a contract that will expire within 3 months, for a term of not more than 12 months from the original expiry date, without calling for tenders [F&G r.11(2)(ja)]. This authority relates to: - contracts not formed through a public tender, where the total value of the original term and the proposed extension or renewal exceeds \$250,000, and - contracts formed through a public tender.
Council Conditions on this Delegation:	- The authority to apply the renewal or extension option may be exercised where one or more of the following principles applies: - It is exercised at the sole discretion of the Local Government; - It is in the best interests of the Local Government; - It is deemed necessary to facilitate the role of Local Government in relation to the State of Emergency declaration; - It has potential to promote local and/or regional economic benefits. - This authority may only be exercised where the total consideration for the renewal or extension is \$100,000 or less. - Contracts may only be renewed or extended where there is an adopted and available budget for the proposed goods and services, OR where the expenditure from an alternative available budget allocation has been authorised in advance by the President (i.e. before the expense is incurred) in accordance with LGA s.6.8(1)(c). - The decision to extend or renew a contract must be made in accordance with the objectives of the Purchasing Policy. - This authority may only be exercised where the total consideration under the resulting contract is \$350,000 or less. - The CEO cannot sub-delegate this authority.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s:	Nil
CEO Conditions on this Sub-Delegation:	Nil

Compliance Links:	Local Government (Functions and General) Regulations 1996 WALGA Subscription Service – Procurement Toolkit Council Policy - Procurement Framework
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

1.2.16 Procurement of Goods or Services Required to Address a State of Emergency

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> Regulation 11 'When tenders have to be publicly invited' Tender exemption under subregulation 11(2)(ja) Associated definition under subregulation 11(3)
Delegate:	Chief Executive Officer
Function:	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to: 1. Determine that particular goods or services with a purchasing value >\$250,000 are required for the purposes of addressing the impact, consequences or need arising from the hazard to which the State of Emergency declaration relates [F&G r11(3)(b)]; and 2. Undertake tender exempt purchasing activity to obtain the supply of those goods or services identified in accordance with point 1 above [F&G r.11(2)(aa)].
Council Conditions on this Delegation:	a. This authority may only be exercised where the goods or services are urgently required, and it is not possible for Council to meet within an appropriate timeframe. b. Compliance with the Purchasing Policy is required, but only to the extent that such compliance will not incur an unreasonable delay in providing the required urgent response to the State of Emergency hazard. The rationale for non-compliance with the Purchasing Policy must be evidenced in accordance with the Record Keeping Plan. c. Where a relevant budget allocation is not available and a purchase is necessary in response to a State of Emergency, the expenditure from an alternative available budget allocation must be authorised in advance by the President (i.e. before the expense is incurred) in accordance with LGA s.6.8. d. The CEO is to inform Council after the exercise of this delegation, including details of the contract specification, scope and purchasing value and the rationale for determining that the goods or services were urgently required in response to the State of Emergency declaration. e. The CEO cannot sub-delegate this authority.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s:	Nil
CEO Conditions on this Sub-Delegation:	Not applicable
Compliance Links:	Local Government (Functions and General) Regulations 1996 WALGA Subscription Service – Procurement Toolkit Council Policy - Procurement Framework

Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

1.2.17 Disposing of Property

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.58(2) & (3) Disposing of Property
Delegate:	Chief Executive Officer
Function:	1. Authority to dispose of property to: (a) to the highest bidder at public auction [s.3.58(2)(a)]. (b) to the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tenders [s.3.58(2)(b)] 2. Authority to dispose of property by private treaty only in accordance with Section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].
Council Conditions on this Delegation:	a. 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. b. 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 \$75,000 or less. c. When determining the method of disposal: • Where a public auction is determined as the method of disposal: ○ Reserve price has been set by independent valuation. ○ 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, 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: ○ Negotiate the sale of the property up to a -10% variance on the valuation; and ○ Consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a decision are recorded. d. 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: • Without reference to Council for resolution; and • 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. e. Where the disposal relates to a lease or sub-lease of a Reserve vested in the Shire, the Power to Lease must be included as a condition on the Management Order with the State.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s:	Nil
CEO Conditions on this Sub-Delegation:	Not applicable
Compliance Links:	Local Government Act 1995 – s.3.58 Disposal of Property Local Government (Functions and General) Regulations 1995 – r.30 Dispositions of property excluded from Act s. 3.58
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>. All documentation relating to the disposal of property is to be recorded in accordance with the Shire of Narembeen Record Keeping Plan Executed leases, tenancy agreements etc are to be retained in SharePoint/Legal Services/Agreements.
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

1.2.18 Payments from the Municipal or Trust Funds

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
Delegate:	Chief Executive Officer
Function:	Authority to make payments from the municipal funds [r.12(1)(a)].
Council Conditions on this Delegation:	a. Authority to make payments is subject to annual budget limitations. b. Procedures are to be systematically documented, retained, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. c. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit & Risk Committee at least once each financial year. [Audit r.17]
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Corporate Services Executive Manager Infrastructure Services Senior Finance Officer Administration Officer
CEO Conditions on this Sub-Delegation:	1. Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5. 2. Payments by cheque, BPay and EFT transactions must be approved jointly by two Delegates, one of whom must be the CEO or an Executive Manager. 3. Delegates that approve the payment must not verify the liability. The verification of the liability via the purchase order, invoice and evidence of goods or services received, must be undertaken independent of the payment approval. 4. Conditions on the original delegation also apply to the sub-delegation, excluding the power to sub-delegation.
Compliance Links:	<u><i>Local Government Act 1995</i></u> <u><i>Local Government (Financial Management) Regulations 1996</i></u> - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc. <u><i>Local Government (Audit) Regulations 1996</i></u> Department of Local Government, Sport and Cultural Industries <u>Operational Guideline No.11 – Use of Corporate Credit Cards</u> Department of Local Government, Sport and Cultural Industries: <u>Accounting Manual</u> Council Policy - Procurement Framework

Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report. The List of Payments is to be presented as an Attachment to the Agenda to Council each month.

1.2.19 Defer, Grant Discounts, Waive or Write Off Debts

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.12 Power to defer, grant discounts, waive or write off debts
Delegate:	Chief Executive Officer
Function:	1. Waive a debt which is owed to the Shire of Narembeen [s.6.12(1)(b)]. 2. Grant a concession in relation to money which is owed to the Shire of Narembeen [s.6.12(1)(b)]. 3. Write off an amount of money which is owed to the Shire of Narembeen [s.6.12(1)(c)].
Council Conditions on this Delegation:	a. A debt, other than a debt relating to a rate or service charge, may only be waived where the dollar amount does not exceed \$1,000 per debtor. b. A debt relating to interest accrued on a rate or service charge may only be written off where the dollar value does not exceed \$500 (suspension and/or write off) per property per annum. c. A debt may only be written off where costs associated with continued action to recover the debt will outweigh the new value of the debt if recovered by the Shire of Narembeen or where the value of the debt makes recovery attempts uneconomical. d. Write off of debts greater than these values must be referred to Council for decision. e. An application for fee waiver or concession may only be granted where the applicant completed a Request for Fee Waiver Application Form, and the amount is less than \$1,000. This includes, but not limited to such things as: venue hire, bus hire, equipment hire etc. Application of \$1,000 or more must go to Council for approval.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s:	Nil
CEO Conditions on this Sub-Delegation:	Not applicable
Compliance Links:	Local Government Act 1995 Local Government (Financial Management) Regulations 1996 Collection of Rates Debts – refer Delegations: Delegation 1.2.22 - Agreement as to Payment of Rates and Service Charges Delegation 1.2.23- Recovery of Rates or Service Charges Delegation 1.2.24- Recovery of Rates Debts – Require Lessee to Pay Rent Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.

Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>. Where the write off relates to rates, relevant notes are to be kept on the property file within Synergysoft and the hard copy file in the Compactus. In accordance with Regulation 42 of the <i>Local Government (Financial Management) Regulations 1996</i>, the total amount of money written off is to be reported in the Annual Report.
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

1.2.20 Power to Invest and Manage Investments

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996:</i> r.19 Investments, control procedures for
Delegate:	Chief Executive Officer
Function:	1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)]. 2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].
Council Conditions on this Delegation:	a. All investment activity must comply with the Financial Management Regulation 19C and Council Policy - Investments. b. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports. c. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. d. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within every 3 financial years. [Audit r.17]
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees, excluding the power of sub-delegation.
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation:	1. A decision to invest must be jointly confirmed by two Delegates. 2. Conditions on the original delegation also apply to the sub-delegation, excluding the power of sub-delegation.
Compliance Links:	Local Government Act 1995 Banking Act 1959 Local Government (Financial Management) Regulations 1996 – refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a)) Council Policy – Investment Policy Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .

**Reporting
Requirements:**

The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

A report detailing the investment portfolio is to be presented to Council each month.

1.2.21 Rate Record Amendment

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.39(2)(b) Rate record s.6.40 Effect of amendment of rate record
Delegate:	Chief Executive Officer
Function:	Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)].
Council Conditions on this Delegation:	Delegates must comply with the requirements of s.6.40 of the Act.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Corporate Services Senior Finance Officer
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub-delegation, excluding the power of sub-delegation.
Compliance Links:	Local Government Act 1995 – s.6.40 prescribes consequential actions that may be required following a decision to amend the rate record. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal. Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .. Relevant notes to be kept on the property file within Synergysoft and the hard copy file in the Compactus.
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

1.2.22 Agreement as to Payment of Rates and Service Charges

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.49 Agreement as to payment of rates and service charges
Delegate:	Chief Executive Officer
Function:	Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
Council Conditions on this Delegation:	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.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub-delegation, excluding the power of sub-delegation.
Compliance Links:	Council Policy – Debt Management Council Policy – Financial Hardship Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . Documentation is to be recorded in accordance with the Shire of Narembeen Record Keeping Plan Relevant notes are to be kept on the property file within Synergysoft and the hard copy file in the Compactus.
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report. The full details of the arrangements made under this delegation is to be recorded in the rate record.

1.2.23 Recovery of Rates or Service Charges

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.56 Rates or service charges recoverable in court s.6.64(3) Actions to be taken
Delegate:	Chief Executive Officer
Function:	1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)]. 2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation:	a. Conditions on the original delegation also apply to the sub-delegation, excluding the power of sub-delegation. b. The sub-delegation does not include the authority to lodge and withdraw caveats.
Compliance Links:	Rates & Charges (Rebates & Deferments) Act 1995 Valuation of Land Act 1978 Fire & Emergency Services Act 1998 Council Policy – Debt Management Council Policy – Financial Hardship Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>. Documentation to be recorded in accordance with the Shire of Narembeen Record Keeping Plan Relevant notes to be kept on the property file within Synergysoft and the hard copy file in the Compactus.
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report. The full details of the decision and actions taken under this delegation is to be recorded in the rate record.

1.2.24 Recovery of Rates Debts – Require Lessee to Pay Rent

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.60 Local Government may require lessee to pay rent
Delegate:	Chief Executive Officer
Function:	1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the Shire of Narembeen [s.6.60(2)]. 2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub-delegation, excluding the poser of sub-delegation.
Compliance Links:	Local Government Act 1995 – refer sections 6.61 and 6.62 and Schedule 6.2 prescribe procedures relevant to exercise of authority under s.6.60. Rates & Charges (Rebates & Deferments) Act 1995 Valuation of Land Act 1978 Fire & Emergency Services Act 1998 Council Policy – Debt Management Council Policy – Financial Hardship Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>. Documentation to be recorded in accordance with the Shire of Narembeen Record Keeping Plan Relevant notes to be kept on the property file within Synergysoft and the hard copy file in the Compactus. The full details of the decision and actions taken under this delegation is to be recorded in the rate record.
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

1.2.25 Rate Record - Objections

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.76 Grounds of objection
Delegate:	Chief Executive Officer
Function:	1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)]. 2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s:	Nil
CEO Conditions on this Sub-Delegation:	Not applicable
Compliance Links:	Decisions under this delegation may be referred for review by the State Administrative Tribunal. Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>. Documentation to be recorded in SharePoint at Rates & Valuations/ Enquiries and Complaints. Relevant notes to be kept on the property file within Synergysoft and the hard copy file in the Compactus. The full details of the decision and actions taken under this delegation is to be recorded in the rate record.
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

1.2.26 Disposing of surplus assets

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.44 CEO may delegate powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.58 Disposing of Property r30 Functions and General Regulations
Delegate:	Chief Executive Officer (CEO)
Function:	Authority to dispose of property by private treaty in accordance with Section 3.58.
Council Conditions on this Delegation:	a. where the market value of the asset is not more than \$2,000 (each, in the case of multiple similar or identical assets), based on formal valuation or documented management appraisal. b. Where the asset(s) are surplus to operational requirements and/or have been made redundant by the purchase or newer or superior assets.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s:	Executive Manager Corporate Services Executive manager Infrastructure Services
CEO Conditions on this Sub-Delegation:	Not applicable
Compliance Links:	Local Government Act 1995 – s.3.58 Disposal of Property Local Government (Functions and General) Regulations 1995 – r.30 Dispositions of property excluded from Act s. 3.58 Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>. All documentation relating to the disposal of property is to be recorded in accordance with the Shire of Narembeen Record Keeping Plan Executed leases, tenancy agreements etc are to be retained in Legal Services/Agreements.
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

1.3 CEO to Employees

1.3.1 Electoral Enrolment Eligibility Claims and Electoral Roll

Delegator:	Chief Executive Officer
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.4.32(4), (5A) & (5) Eligibility to enrol under s.4.30, how to claim s.4.34 Accuracy of enrolment details to be maintained s.4.35 Decision that eligibility to enrol under s.4.30 has ended s.4.37 New roll for each election <i>Local Government (Elections) Regulations 1995:</i> r.11(1a) Nomination of co-owners or co-occupiers — s.4.31 r.13(2) & (4) Register - s.4.32(6)
Delegate/s:	Executive Manager Corporate
Function:	1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)]. 2. Authority to decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)]. 3. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.4.32(5A)]. 4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)]. 5. Authority to approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their families safety at risk [Elections r.13(2)]. 6. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)]. 7. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34]. 8. Authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination. 9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)]. 10. Decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day which is less than 100 days since the last election day [s.4.37(3)].
CEO Conditions on this Delegation:	Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7).
Express Power to Sub-Delegate:	Nil

Compliance Links:	Department of Local Government, Sport and Cultural Industries: Returning Officer Manual Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>.
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

1.3.2 Destruction of Electoral Papers

Delegator:	Chief Executive Officer
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Elections) Regulations 1996:</i> r.82(4) Keeping election papers – s4.84(a)
Delegate/s:	Executive Manager Corporate Services
Function:	Authority to, after a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [Elect. r.82(4)].
CEO Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil
Compliance Links:	Department of Local Government, Sport and Cultural Industries: Returning Officer Manual Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

1.3.3 Information to be Available to the Public

Delegator:	Chief Executive Officer
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Administration) Regulations 1996:</i> r.29B Copies of certain information not to be provided (Act s.5.96) <i>Local Government Act 1995:</i> s.5.95(1)(b) & (3)(b) Limits on right to inspect local government information
Delegate/s:	Executive Manager Corporate Services
Function:	1. Authority to determine the manner and form by which a person may request copies of rates record information [s.5.94(m)] or owners and occupiers register and electoral rolls [s.5.94(s)] and to make the information available, if satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes [Admin r.29B]. 2. Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s.5.95(1)(b)]. 3. Authority to determine not to provide a right to inspect information contained in notice papers, agenda, minutes, or information tabled at a meeting, where it is considered that that part of the meeting could have been closed to members of the public but was not closed [s.5.94(3)(b)].
CEO Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

1.3.4 Financial Management Systems and Procedures

Delegator:	Chief Executive Officer
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Financial Management) Regulations 1996:</i> r.5 CEO's Duties as to financial management
Delegate/s:	Executive Manager Corporate Services
Function:	1. Authority to establish systems and procedures [FM r.5] that give effect to internal controls and risk mitigation for the: i. Collection of money owed to the Shire of Narembeen; ii. Safe custody and security of money collected or held by the Shire of Narembeen; 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 1.2.18; vii. Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements.
CEO Conditions on this Delegation:	a. 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. b. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within each 3 financial years. [Audit r.17].
Express Power to Sub-Delegate:	Nil
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995 Local Government (Financial Management) Regulations 1996 Local Government (Audit) Regulations 1996 Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards Council Policy – Procurement Framework
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .

**Reporting
Requirements:**

The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

2 Building Act 2011 Delegations

2.1 Council to CEO

2.1.1 Grant a Building Permit

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<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 <i>Building Regulations 2012:</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
Delegate:	Chief Executive Officer
Function:	1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)]. 2. Authority to grant or refuse to grant a building permit [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and(3)]. 4. Authority to determine an application to extend time during which a building permit has effect [r.23]. i. Subject to being satisfied that work for 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)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s:	Nil
CEO Conditions on this Sub-Delegation:	Not applicable

Compliance Links:	<u>Building Act 2011</u> s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit s.17 Uncertified application to be considered by building surveyor <u>Building Regulations 2012</u> – r.25 <i>Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT</i> <u>Building Services (Registration Act) 2011</u> – Section 7 <u>Home Building Contracts Act 1991</u> – Part 3A, Division 2 – Part 7, Division 2 <u>Building and Construction Industry Training Levy Act 1990</u> <u>Heritage Act 2018</u>
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>. Applications, plans and permits are to be recorded in accordance with the Shire of Narembeen Record Keeping Plan and a copy kept on the property file in the Compactus.
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

2.1.2 Demolition Permits

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<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 <i>Building Regulations 2012</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
Delegate:	Chief Executive Officer
Function:	1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)]. 2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and(3)]. 4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]. i. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].
Council Conditions on this Delegation:	The granting of a permit excludes those properties contained in the Shire of Narembeen Municipal Heritage Inventory.
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s:	Nil
CEO Conditions on this Sub-Delegation:	Not applicable
Compliance Links:	<i>Building Act 2011</i> s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit <i>Building Services (Complaint Resolution and Administration) Act 2011</i> – Part 7, Division 2

	<i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage Act 2018</i>
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>. Applications, plans and permits are to be recorded in accordance with the Shire of Narembeen Record Keeping Plan and a copy kept on the property file in the Compactus.
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

2.1.3 Occupancy Permits or Building Approval Certificates

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<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)
Delegate:	Chief Executive Officer
Function:	1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55]. 2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58]. 3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)]. 4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s:	Nil
CEO Conditions on this Sub-Delegation:	Not applicable
Compliance Links:	Building Act 2011 s.59 time for granting occupancy permit or building approval certificate s.60 Notice of decision not to grant occupancy permit or grant building approval certificate s.121 Occupancy permits and building approval certificates – application for review by SAT Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2 Building and Construction Industry Training Levy Act 1990 Heritage Act 2018
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .

	Applications, plans and permits are to be recorded in accordance with the Shire of Narembeen Record Keeping Plan and a copy kept on the property file in the Compactus.
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

2.1.4 Designate Employees as Authorised Persons

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.96(3) authorised persons s.99(3) Limitation on powers of authorised person
Delegate:	Chief Executive Officer
Function:	1. Authority to designate an employee as an authorised person [s.96(3)]. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)].
Council Conditions on this Delegation:	Decisions under this delegated authority should be in accordance with r.5 of the <i>Building Regulations 2012</i> .
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s:	Nil
CEO Conditions on this Sub-Delegation:	Not applicable
Compliance Links:	<i>Building Act 2011:</i> s.97 requires each person designated as an authorised person must have an identity card. r.5A Authorised persons (s.3) – definition <i>Building Regulations 2012</i> Authorised Persons Identity Card and Certificate of Authorisation
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>. Copies of Instruments or Certificates of Authorisation are to be retained on the Authorised Person's personnel file. A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

2.1.5 Building Orders

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.110(1) A permit authority may make a building order s.111(1) Notice of proposed building order other than building order (emergency) s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect s.118(2) and (3) Permit authority may give effect to building order if non-compliance s.133(1) A permit authority may commence a prosecution for an offence against this Act
Delegate:	Chief Executive Officer
Function:	- Authority to make Building Orders in relation to: - Building work; or - Demolition work; or - An existing building or incidental structure [s.110(1)]. - Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]. - Authority to revoke a building order [s.117]. - If there is non-compliance with a building order, authority to cause an authorised person to: - take any action specified in the order; or - commence or complete any work specified in the order; or - 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)]. - Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)]. - Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the <i>Building Act 2011</i>.
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s:	Nil
CEO Conditions on this Sub-Delegation:	Not applicable
Compliance Links:	<i>Building Act 2011:</i>

	Section 111 Notice of proposed building order other than building order (emergency) Section 112 Content of building order Section 113 Limitation on effect of building order Section 114 Service of building order Part 9 Review - s.122 Building orders – application for review by SAT
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>. Applications, plans and permits are to be recorded in accordance with the Shire of Narembreen Record Keeping Plan and a copy kept on the property file in the Compactus.
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

2.1.6 Inspection and Copies of Building Records

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.131(2) Inspection, copies of building records
Delegate:	Chief Executive Officer
Function:	Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s:	Nil
CEO Conditions on this Sub-Delegation:	Nil
Compliance Links:	Building Act 2011 – s.146 Confidentiality Freedom of Information Act 1992 State Records Act 2000
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

2.1.7 Referrals and Issuing Certificates

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.145A Local Government functions
Delegate:	Chief Executive Officer
Function:	1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)]. 2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire of Narembeen's District [s.145A(2)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s:	Nil
CEO Conditions on this Sub-Delegation:	Not applicable
Compliance Links:	Nil
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>. Applications, plans and permits are to be recorded in accordance with the Shire of Narembeen Record Keeping Plan and a copy kept on the property file in the Compactus.
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

2.1.8 Private Pool Barrier – Alternative and Performance Solutions

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Regulations 2012:</i> r.51 Approvals by permit authority
Delegate:	Chief Executive Officer
Function:	1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliant with AS 1926.1 [r.51(2)] 2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)] 3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	Environmental Health Officer
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub-delegation, excluding the power of sub-delegation.
Compliance Links:	Building Act 2011 Building Regulations 2012 Swimming Pool Provisions – AS1926.1 Standards (as amended) Fencing Local Law 2020
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . Applications, plans and permits are to be recorded in accordance with the Shire of Narembeen Record Keeping Plan and a copy kept on the property file in the Compactus.
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

2.1.9 Smoke Alarms – Alternative Solutions

Delegator:	Local Government
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Regulations 2012:</i> r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
Delegate:	Chief Executive Officer
Function:	1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55]. 2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	Environmental Health Officer
CEO Conditions on this Sub-Delegation:	Nil
Compliance Links:	Nil
Record Keeping:	Signed letters, inspection records and other documentation to be recorded in accordance with the Shire of Narembreen Record Keeping Plan and a copy kept on the property file in the Compactus.
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

2.1.10 Appoint Approved Officers and Authorised Officers

Delegator:	Local Government
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Regulations 2012:</i> r.70 Approved officers and authorised officers
Delegate:	Chief Executive Officer
Function:	1. Authority to appoint an approved officer for the purposes of s.6(a) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(1) and (1A). <i>NOTE: Only employees delegated under s 5.44(1) of the Local Government Act 1995 with power under s 9.19 or 9.20 may be appointed as "approved officers".</i> 2. Authority to appoint an authorised officer for the purposes of s.6(b) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(2). <i>NOTE: Only employees appointed under s 9.10 of the Local Government Act 1995 and authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as "authorised officers" for the purposes of Building Regulation 70(2).</i>
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Not applicable
Compliance Links:	<i>Building Regulations 2012</i> r 70(3) each authorised officer must be issued a certificate of appointment.
Record Keeping:	Letters of Authorisation to be recorded in accordance with the Shire of Narembeen Record Keeping Plan and a copy kept on the property file in the Compactus.
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

3 Bush Fires Act 1954 Delegations

3.1 Council to CEO, President, and Bush Fire Control Officer

3.1.1 Make Request to FES Commissioner – Control of Fire

Delegator:	Local Government
Express Power to Delegate:	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.13(4) Duties and powers of bush fire liaison officers
Delegate:	Chief Executive Officer
Function:	Authority to request on behalf of the Shire of Narembreen that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s.13(4)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil Sub-delegation is prohibited by s.48(3)
Compliance Links:	<u>Bush Fires Act 1954</u>
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available <u>Here</u>) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

3.1.2 Prohibited Burning Times - Vary

Delegator:	Local Government
Express Power to Delegate:	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government s.17(10) Prohibited burning times may be declared by Minister (power of delegation to mayor or president and Chief Bush Fire Control Officer for ONLY powers under s.17(7) and (8))
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.17(7) Prohibited burning times may be declared by Minister <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
Delegate:	Chief Bush Fire Control Officer Shire President
Function: <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority, 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)].
Council Conditions on this Delegation:	Decisions under s.17(7) must be undertaken jointly by both the President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).
Express Power to Sub-Delegate:	Sub-delegation is prohibited by s.48(3)
Compliance Links:	Bush Fires Act 1954 Bush Fires Regulations 1954 Conservation and Land Management Act 1984 Department of Biodiversity and Attractions Forest Management Plan 2014-23
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>.
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

3.1.3 Prohibited Burning Times – Control Activities

Delegator:	Local Government
Express Power to Delegate:	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.17(7) Prohibited burning times may be declared by Minister s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
Delegate:	Chief Executive Officer
Function:	1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15]. 2. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C]. 3. Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)]. 4. Authority to 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)]. 5. Authority to prohibit the use of tractors, engines or self-propelled harvesters 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)]. 6. Authority to recover the cost of measures taken by the Shire of Narembreen or 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)].
Council Conditions on this Delegation:	Decisions under s.17(7) must be undertake jointly by both the President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).
Express Power to Sub-Delegate:	Nil. Sub-delegation is prohibited by s.48(3)
Compliance Links:	Bush Fires Act 1954 Bush Fires Regulations 1954

Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

3.1.4 Restricted Burning Times – Vary and Control Activities

Delegator:	Local Government
Express Power to Delegate:	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.18(5), (11) Restricted burning times may be declared by FES Commissioner s.22(6) and (7) Burning on exempt land and land adjoining exempt land s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.15C Local Government may prohibit burning on certain days r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
Delegate:	Chief Executive Officer
Function:	- Authority, 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)]. - Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C]. - Authority, where a permitted burn fire escapes or is out of control in the opinion of the 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)]. - Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15]. - Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks 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)]. - Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C]. - Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B]. - Authority to 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)].

	8. Authority to prohibit the use of tractors, engines or self-propelled harvesters, 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)]. 9. Authority to recover the cost of measures taken by the Shire of Narembeen 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)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil. Sub-delegation is prohibited by s.48(3)
Compliance Links:	Bush Fires Act 1954 Bush Fires Regulations 1954
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

3.1.5 Control of Operations Likely to Create Bush Fire Danger

Delegator:	Local Government
Express Power to Delegate:	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.27D Requirements for carriage and deposit of incendiary material <i>Bush Fires Regulations 1954:</i> r.39C Welding and cutting apparatus, use of in open air r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc. r.39D Explosives, use of r.39E Fireworks, use of
Delegate:	Chief Executive Officer
Function:	- Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: - a person operating a bee smoker device during a prescribed period [r.39CA(5)]. - a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)]. - a person using explosives [r.39D(2)]. - a person using fireworks [r.39E(3)] - Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D]. <i>Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.</i>
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil. Sub-delegation is prohibited by s.48(3)
Compliance Links:	Bush Fires Act 1954 Bush Fires Regulations 1954
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

3.1.6 Burning Garden Refuse / Open Air Fires

Delegator:	Local Government
Express Power to Delegate:	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.24F Burning garden refuse during limited burning times s.24G Minister or local government may further restrict burning of garden refuse s.25 No fire to be lit in open air unless certain precautions taken s.25A Power of Minister to exempt from provisions of section 25 <i>Bush Fires Regulations 1954:</i> r.27(3) Permit, issue of
Delegate:	Chief Executive Officer
Function:	1. Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)]. 2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)]. a. Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3) and r.33(5)]. b. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plan growing upon any land within the District [r.34]. 3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of: a. camping or cooking [s.25(1)(a)]. b. conversion of bush into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)]. 4. Authority to 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)]. 5. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Sub-delegation is prohibited by s.48(3)
Compliance Links:	<u>Bush Fires Act 1954</u>

	<i>Bush Fires Regulations 1954</i>
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

3.1.7 Firebreaks

Delegator:	Local Government
Express Power to Delegate:	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.33 Local government may require occupier of land to plough or clear fire-breaks
Delegate:	Chief Executive Officer
Function:	1. 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 of Narembeen: a. clearing of firebreaks as determined necessary and specified in the notice; and b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and c. as a separate or coordinated action with any other person carry out similar actions [s.33(1)]. 2. Authority to 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)]. a. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)]. 3. Authority to consider and determine a written request to vary the requirements of a Notice issued in accordance with s.33.
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil. Sub-delegation is prohibited by s.48(3)
Compliance Links:	Bush Fires Act 1954 Bush Fires Regulations 1954
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>. Firebreak notices are to be included with the annual rates notice, published on the Shire's website and a copy recorded in accordance with the Shire of Narembeen Record Keeping Plan.
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

3.1.8 Appoint Bush Fire Control Officer/s and Fire Weather Officer

Delegator:	Local Government
Express Power to Delegate:	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.38 Local Government may appoint bush fire control officer
Delegate:	Chief Executive Officer
Function:	- Authority to appoint persons to be Bush Fire Control Officers for the purposes of the <i>Bush Fires Act 1954</i>; and - Of those Officers, appoint 2 as the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer; and - Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)]. - Authority to 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 of Narembeen [s.38(5A)] - Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)]. - Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil. Sub-delegation is prohibited by s.48(3)
Compliance Links:	Bush Fires Act 1954 Bush Fires Regulations 1954
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>. A record of each Appointment is to be retained in the Authorised Persons Register, retained as a Local Government Record.
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

3.1.9 Control and Extinguishment of Bush Fires

Delegator:	Local Government
Express Power to Delegate:	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.46 Bush fire control officer or forest officer may postpone lighting fire
Delegate:	Chief Executive Officer
Function:	1. Authority to prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46(1A)]. 2. 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)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Sub-delegation is prohibited by s.48(3)
Compliance Links:	Bush Fires Act 1954 Bush Fires Regulations 1954 Conservation and Land Management Act 1984 Department of Biodiversity and Attractions Forest Management Plan 2014-23
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

3.1.10 Recovery of Expenses Incurred through Contraventions of this Act

Delegator:	Local Government
Express Power to Delegate:	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.58 General penalty and recovery of expenses incurred
Delegate:	Chief Executive Officer
Function:	Authority to recover expenses incurred as a result of an offence against the <i>Bush Fires Act 1954</i> , being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Shire of Narembeen or those on behalf of the Shire of Narembeen to do [s.58].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil. Sub-delegation is prohibited by s.48(3)
Compliance Links:	Bush Fires Act 1954 Bush Fires Regulations 1954
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . Where the contravention relates to a property relevant notes are to be kept on the property file within Synergysoft and the hard copy file in the Compactus.
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

3.1.11 Prosecution of Offences

Delegator:	Local Government
Express Power to Delegate:	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.59 Prosecution of offences s.59A(2) Alternative procedure – infringement notices
Delegate:	Chief Executive Officer
Function:	1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59]. 2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil. Sub-delegation is prohibited by s.48(3)
Compliance Links:	<u>Bush Fires Act 1954:</u> s.65 Proof of certain matters s.66 Proof of ownership or occupancy <u>Bush Fires Regulations 1954</u>
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . Relevant notes are to be kept on the property file within Synergyssoft and the hard copy file in the Compactus.
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

4 Cat Act 2011 Delegations

4.1 Council to CEO

4.1.1 Cat Registrations

Delegator:	Local Government
Express Power to Delegate:	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<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
Delegate:	Chief Executive Officer
Function:	1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)]. 3. Authority to cancel a cat registration [s.10]. 4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)]. 5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire of Narembeen's District [Regs. Sch. 3 cl.1(4)].
Council Conditions on this Delegation:	Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i> .
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Corporate Services Administration Officers Customer Service Officers Finance Officers Records Officer
CEO Conditions on this Sub-Delegation:	a. Conditions on the original delegation also apply to the sub-delegation, excluding the power to sub-delegate. b. Function 5 can only be exercised by the Chief Executive Officer.
Compliance Links:	Cat Act 2011 s.45 Delegation by CEO of local government Cat Regulations 2012:

	r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration. r.12 Period of registration (s.9(7)) r.11 Changes in registration r.14 Registration certificate (s.11(1)(b)) r.15 Registration tags (s.76(2)) Decisions are subject to Objection and Review by the State Administration Tribunal rights – refer Part 4, Division 5 of the <i>Cat Act 2011</i>.
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

4.1.2 Cat Control Notices

Delegator:	Local Government
Express Power to Delegate:	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.26 Cat control notice may be given to cat owner
Delegate:	Chief Executive Officer
Function:	Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire of Narembeen's District [s.26].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Sub-Delegate/s: <i>Appointed by CEO</i>	Ranger (this delegation can only be enacted by a Shire employee, not a contractor).
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub-delegation, excluding the power of sub-delegation.
Compliance Links:	Cat Act 2011 Cat Regulations 2012 – r.20 Cat control notice [s.23(3)], prescribes the Form of the notice.
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

4.1.3 Approval to Breed Cats

Delegator:	Local Government
Express Power to Delegate:	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<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
Delegate:	Chief Executive Officer
Function:	1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)]. 3. Authority to cancel an approval to breed cats [s.38]. 4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)].
Council Conditions on this Delegation:	Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i> .
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Sub-Delegate/s:	Nil
CEO Conditions on this Sub-Delegation:	Not applicable
Compliance Links:	Cat Act 2011 Cat Regulations 2012: r.21 Application for approval to breed cats (s.36(2)) r.22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f)) r.23 Person who not be refused approval to breed cats (s.37(5)) r.24 Duration of approval to breed cats (s.37(6)) r.25 Certificate given to approved cat breeder (s.39(1))
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

4.1.4 Recovery of Costs – Destruction of Cats

Delegator:	Local Government
Express Power to Delegate:	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.49(3) Authorised person may cause cat to be destroyed
Delegate:	Chief Executive Officer
Function:	Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub-delegation, excluding the power of sub-delegation.
Compliance Links:	Cat Act 2011
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

4.1.5 Applications to Keep Additional Cats

Delegator:	Local Government
Express Power to Delegate:	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<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
Delegate:	Chief Executive Officer
Function:	1. Authority to require any document or additional information required to determine an application [r.8(3)] 2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)]. 2. Authority to 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].
Council Conditions on this Delegation:	a. 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> .
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Sub-Delegate/s:	Nil
CEO Conditions on this Sub-Delegation:	Not applicable
Compliance Links:	Cat Act 2011
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

4.1.6 Reduce or Waiver Registration Fee

Delegator:	Local Government
Express Power to Delegate:	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Regulations 2012:</i> Schedule 3 Fees clause 1(4)
Delegate:	Chief Executive Officer
Function:	1. Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat.
Council Conditions on this Delegation:	a. This delegation does NOT provide authority to determine to reduce or waiver the fees payable in regard to any <u>class of cat</u> within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the <i>Local Government Act 1995</i> .
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Sub-Delegate/s:	Nil
CEO Conditions on this Sub-Delegation:	Not applicable
Compliance Links:	Nil
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

5 Dog Act 1976 Delegations

5.1 Council to CEO

5.1.1 Appoint Registration Officer

Delegator:	Local Government
Express Power to Delegate:	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.3 Terms Used (<i>Registration officer means a person authorised by the local government to effect the registration of dogs pursuant to this Act</i>)
Delegate:	Chief Executive Officer
Function:	1. Authority to authorise a person for the purposes of performing the prescribed office of Registration Officer under the Dog Act 1976 [s.3].
Council Conditions on this Delegation:	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Sub-Delegate/s:	Nil
CEO Conditions on this Sub-Delegation:	Not applicable
Compliance Links:	Nil
Record Keeping:	Letters of Authorisation to be recorded in accordance with the Shire of Narembeen Record Keeping Plan.
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

5.1.2 Refuse or Cancel Registration

Delegator:	Local Government
Express Power to Delegate:	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.14 Register of dogs 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
Delegate:	Chief Executive Officer
Function:	1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)]. 2. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: a. 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 <i>Cat Act 2011</i> or the <i>Animal Welfare Act 2002</i>; or b. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or c. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept d. the dog is required to be microchipped but is not microchipped; or e. the dog is a dangerous dog [s.16(3) and s.17A(2)]. 3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire of Narembeen's District [s15(4A)]. 4. Authority to 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)]. a. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had be found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)].
Council Conditions on this Delegation:	The Chief Executive Officer is permitted to sub-delegate to employees [s. 10AA(3)].
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Corporate Services

CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub-delegation, excluding the power of sub-delegation.
Compliance Links:	Dog Act 1976 s.17A If no application for registration made – procedure for giving notice of decision under s.16(3) Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and (6) Dogs Local Laws 2020
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

5.1.3 Recovery of Moneys Due Under this Act

Delegator:	Local Government
Express Power to Delegate:	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.29(5) Power to seize dogs
Delegate:	Chief Executive Officer
Function:	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)].
Council Conditions on this Delegation:	The Chief Executive Officer is permitted to sub-delegate to employees [s. 10AA(3)].
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub-delegation, excluding the power of sub-delegation.
Compliance Links:	Dog Act 1976 Dog Regulations 2013 Includes recovery of expenses relevant to: s.30A(3) Operator of dog management facility may have dog microchipped at owner's expense s.33M Local government expenses to be recoverable. s.47 Veterinary service expenses recoverable from local government r.31 Local government expenses as to dangerous dogs (declared) Dogs Local Laws 2020
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

5.1.4 Dispose of or Sell Dogs Liable to be Destroyed

Delegator:	Local Government
Express Power to Delegate:	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.29(11) Power to seize dogs
Delegate:	Chief Executive Officer
Function:	Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].
Council Conditions on this Delegation:	a. The Chief Executive Officer is permitted to sub-delegate to employees [s. 10AA(3)]. b. Proceeds from the sale of dogs are to be directed into the Municipal Fund.
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Corporate Services Ranger (this delegation can only be enacted by a Shire employee, not a contractor).
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub-delegation, excluding the power of sub-delegation.
Compliance Links:	Dogs Act 1976 Dogs Local Law
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

5.1.5 Declare Dangerous Dog

Delegator:	Local Government
Express Power to Delegate:	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33E(1) Individual dog may be declared to be dangerous dog (declared)
Delegate:	Chief Executive Officer
Function:	Authority to declare an individual dog to be a dangerous dog [s.33E(1)].
Council Conditions on this Delegation	Nil
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Sub-Delegate/s:	Nil
CEO Conditions on this Sub-Delegation:	Not applicable
Compliance Links:	Dogs Act 1976 Dog Regulations 2013 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal Dog Local Laws 2020
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

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

Delegator:	Local Government
Express Power to Delegate:	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33F(6) Owners to be notified of making of declaration s.33G(4) Seizure and destruction s.33H(1) and (2) Local government may revoke declaration or proposal to destroy
Delegate:	Chief Executive Officer
Function:	1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)]. 2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)]. 3. Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)] a. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)].
Council Conditions on this Delegation:	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Sub-Delegate/s:	Nil
CEO Conditions on this Sub-Delegation:	Not applicable
Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – See s.33H(5) of the <i>Dog Act 1976</i> Dog Local Laws 2020
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

5.1.7 Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice

Delegator:	Local Government
Express Power to Delegate:	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33H(5) Local government may revoke declaration or proposal to destroy
Delegate:	Chief Executive Officer
Function:	1. Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]: (a) a notice declaring a dog to be dangerous; or (b) a notice proposing to cause a dog to be destroyed.
Council Conditions on this Delegation:	The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Sub-Delegate/s:	Nil
CEO Conditions on this Sub-Delegation:	Not applicable
Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal Dogs Act 1976 Dog Local Laws 2020
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

5.1.8 Determine Recoverable Expenses for Dangerous Dog Declaration

Delegator:	Local Government
Express Power to Delegate:	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33M(1)(a) Local Government expenses to be recoverable
Delegate:	Chief Executive Officer
Function:	Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to any maximum amount prescribed, having regard to the expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s.33H(5)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Sub-Delegate/s:	Nil
CEO Conditions on this Sub-Delegation:	Nil
Compliance Links:	Dogs Act 1976 Dog Regulations 2013 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal Dog Local Laws 2020
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

5.1.9 Grant Exemption as to Number of Dogs Kept at Premises

Delegator:	Local Government
Express Power to Delegate:	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.26(3) Limitation as to numbers
Delegate:	Chief Executive Officer
Function:	1. Authority to approve, and determine conditions that apply to, an exemption as to the limit to the number of dogs that can be kept at a premises [s.26(3)].
Council Conditions on this Delegation:	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. Decisions under this delegation must comply with the relevant provisions of the Dog Act 1976 and the Shire of Narembreen Dogs Local Law, including: • Consider and be satisfied that for any particular premises the provisions of the Dog Act 1976 relating to kennel establishments need not be applied in the circumstances [s.26(3)]. • Apply the provisions of s.26(4). c. Conditions that must be applied to an approved exemption, include: • Fencing at the premises must be adequate and maintained to prevent the dogs from leaving the premises, to the satisfaction of the CEO. • Registrations for each dog subject of the approved exemption must be current and maintained. • An exemption applies only to the dogs registered and listed in the approval and as such cannot be transferred to another dog. d. Surrounding neighbours are to be consulted on an application and where an objection to an application is received, the matter is to be presented to Council for determination.
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Sub-Delegate/s:	Nil
CEO Conditions on this Sub-Delegation:	Not applicable
Compliance Links:	Dogs Act 1976 Dog Regulations 2013 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal Dog Local Laws 2020
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .

**Reporting
Requirements:**

The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

6 Food Act 2008 Delegations

6.1 Council to CEO

6.1.1 Prohibition Orders and Certificates of Clearances

Delegator:	Local Government
Express Power to Delegate:	<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
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
Delegate:	Chief Executive Officer Environmental Health Officer
Function:	1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the <i>Food Act 2008</i> [s.65(1)]. 2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66]. 3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].
Council Conditions on this Delegation:	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express Power to Sub-Delegate:	Nil - <i>Food Regulations 2009</i> do not provide for sub-delegation.
Compliance Links:	Food Act 2008 Guide to Regulatory Guideline Number 1: Introduction of Regulatory Auditing in Western Australia Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>. All relevant documentation is to be recorded in SharePoint/Compliance/Health/Health Orders.
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

6.1.2 Food Business Registrations

Delegator:	Local Government
Express Power to Delegate:	<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
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.110(1) and (5) Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses
Delegate:	Chief Executive Officer Environmental Health Officer
Function:	1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)]. 2. Authority to vary the conditions or cancel the registration of a food business [s.112].
Council Conditions on this Delegation:	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: • 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
Express Power to Sub-Delegate:	Nil. <i>Food Regulations 2009</i> do not provide for sub-delegation.
Compliance Links:	Food Act 2008 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>. All relevant documentation is to be recorded in SharePoint/Compliance/Health/Food Premises.
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

6.1.3 Appoint Authorised Officers and Designated Officers

Delegator:	Local Government
Express Power to Delegate:	<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
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers
Delegate:	Chief Executive Officer
Function:	1. Authority to appoint persons to undertake the functions of an enforcement agency under this Act. [s.118(1)]. 2. Authority to appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i> [s.122(2)]. 3. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the <i>Public Health Act 2016</i>, to be a Designated Officer for the purposes of issuing Infringement Notices under the <i>Food Act 2008</i> [s.126(13)]. 4. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].
Council Conditions on this Delegation:	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: • Appointment of Authorised Officers as Meat Inspectors; • Appointment of Authorised Officers; • Appointment of Authorised Officers – Designated Officers only; and • Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer.
Express Power to Sub-Delegate:	Nil. <i>Food Regulations 2009</i> do not provide for sub-delegation.
Compliance Links:	Food Act 2008 s.122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers s.123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>. Copies of Instruments or Certificates of Authorisation are to be retained on the Authorised Person's personnel file. A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.

**Reporting
Requirements:**

The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

7 Graffiti Vandalism Act 2016 Delegations

7.1 Council to CEO

7.1.1 Give Notice Requiring Obliteration of Graffiti

Delegator:	Local Government
Express Power to Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
Delegate:	Chief Executive Officer
Function:	1. 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)]. 2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
Sub-Delegate/s:	Executive Manager Infrastructure Services
CEO Conditions on this Sub-Delegation:	a. Sub-delegation excludes the authority to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)]. b. Conditions on the original delegation also apply to the sub-delegation, excluding the power of sub-delegation.
Compliance Links:	Graffiti Vandalism Act 2016 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

7.1.2 Notices – Deal with Objections and Give Effect to Notices

Delegator:	Local Government
Express Power to Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
Delegate:	Chief Executive Officer
Function:	1. Authority to deal with an objection to a notice [s.22(3)]. 2. Authority, where an objection has been lodged, to: a. 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 b. to give notice to the affected person, before taking the necessary actions [s.24(3)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
Sub-Delegate/s:	Nil
CEO Conditions on this Sub-Delegation:	Not applicable
Compliance Links:	Graffiti Vandalism Act 2016 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

7.1.3 Powers of Entry

Delegator:	Local Government
Express Power to Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.28 Notice of entry s.29 Entry under warrant
Delegate:	Chief Executive Officer
Function:	1. 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]. 2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
Sub-Delegate/s:	Nil
CEO Conditions on this Sub-Delegation:	Not applicable
Compliance Links:	Graffiti Vandalism Act 2016
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

8 Public Health Act 2016 Delegations

8.1 Council to CEO

8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)

Delegator:	Local Government
Express Power to Delegate:	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate <i>Health (Asbestos) Regulations 1992:</i> r.15D(7) Infringement Notices
Express Power or Duty Delegated:	<i>Public Health Act 2016:</i> s.24(1) and (3) Designation of authorised officers <i>Health (Asbestos) Regulations 1992:</i> r.15D(5) Infringement Notices
Delegate:	Chief Executive Officer
Function:	- Authority to designate a person or class of persons as authorised officers for the purpose of: - The <i>Public Health Act 2016</i> or other specified Act; - Specified provisions of the <i>Public Health Act 2016</i> or other specified Act; - Provisions of the <i>Public Health Act 2016</i> or other specified Act, other than the specified provisions of that Act; Including: - An environmental health officer or environmental health officers as a class; or - A person who is not an environmental health officer or a class of persons who are not environmental health officers; or - A mixture of the two. [s24(3)] - Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 [r.15D(5)].
Council Conditions on this Delegation:	- Persons to be appointed as authorised environmental health officers must satisfy the criteria published in Government Gazette No 22 of 24 January 2017 - Public Health Act 2016 – Guidelines on the Designation of Authorised Officer. - A register (list) of authorised officers is to be maintained in accordance with s27. - Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)].
Express Power to Sub-Delegate:	Nil. The <i>Health (Asbestos) Regulations 1992</i> do not provide a power to sub-delegate.
Compliance Links:	Criminal Procedure Act 2004 – Part 2
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>. Copies of Instruments or Certificates of Authorisation are to be retained on the Authorised Person's personnel file.

	A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

8.1.2 Enforcement Agency Reports to the Chief Health Officer

Delegator:	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate:	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.22 Reports by and about enforcement agencies
Delegate:	Chief Executive Officer Environmental Health Officer
Function:	1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Shire of Narembeen [s.22(1)] 2. Authority to prepare and provide to the Chief Health Officer a report detailing any proceedings for an offence under this Act [s.22(2)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil - unless a Regulation enacted under the <i>Public Health Act 2016</i> specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Compliance Links:	<u>Public Health Act 2016</u> s.20 Conditions on performance of functions by enforcement agencies.
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available <u>Here</u>) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

8.1.3 Designate Authorised Officers

Delegator:	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate:	<i>Public Health Act 2016</i> : s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.24(1) and (3) Designation of authorised officers
Delegate:	Chief Executive Officer
Function:	1. Authority to designate a person or class of persons as authorised officers for the purposes of: a. The <i>Public Health Act 2016</i> or other specified Act b. Specified provisions of the <i>Public Health Act 2016</i> or other specified Act c. Provisions of the <i>Public Health Act 2016</i> or another specified Act, other than the specified provisions of that Act. Including: 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)].
Council Conditions on this Delegation:	a. Subject to each person so appointed being; • 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]. b. A Register (list) of authorised officers is to be maintained in accordance with s.27.
Express Power to Sub-Delegate:	Nil - unless a Regulation enacted under the <i>Public Health Act 2016</i> specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Compliance Links:	<u>Public Health Act 2016</u> s.20 Conditions on performance of functions by enforcement agencies. s.25 Certain authorised officers required to have qualifications and experience. s.26 Further provisions relating to designations s.27 Lists of authorised officers to be maintained s.28 When designation as authorised officer ceases s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers s.30 Certificates of authority s.31 Issuing and production of certificate of authority for purposes of other written laws s.32 Certificate of authority to be returned. s.136 Authorised officer to produce evidence of authority <u>Criminal Investigation Act 2006</u>, Parts 6 and 13 – refer s.245 of the <i>Public Health Act 2016</i> <i>The Criminal Code</i>, Chapter XXVI – refer s.252 of the <i>Public Health Act 2016</i>

Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>. Copies of Instruments or Certificates of Authorisation are to be retained on the Authorised Person's personnel file. A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

9 Planning and Development Act 2005 Delegations

9.1 Council to CEO

9.1.1 Illegal Development

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Planning and Development Act 2005:</i> Section 214(2), (3) and (5)
Delegate:	Chief Executive Officer
Function:	1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements; 2. Give a written direction to the owner or any other person who undertook an unauthorised development: (a) to remove, pull down, take up, or alter the development; and (b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority. 3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s:	Nil
CEO Conditions on this Sub-Delegation:	Not applicable
Compliance Links:	Part 13 of the Planning and Development Act 2005 Shire of Narembeen Town Planning Scheme No. 2 Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . The full details of any decisions and actions taken under this delegation is to be recorded on the property file within Synergysoft and the hard copy file in the Compactus.

**Reporting
Requirements:**

The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.

10 Main Roads Act 1930 and Road Traffic (Vehicles) Act 2021

10.1.1 Traffic Management – Events on Roads

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

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

RELATING TO
TRAFFIC MANAGEMENT FOR EVENTS**

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

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

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

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

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

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

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

Dated:

**THE COMMON SEAL OF THE
COMMISSIONER OF MAIN ROADS**

WAS AFFIXED BY

COMMISSIONER OF MAIN ROADS

FOR THE TIME BEING IN THE
PRESENCE OF:

Signature of Witness

Name of Witness (please print)

ACKNOWLEDGMENT BY AUTHORISED BODY

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

THE COMMON SEAL of

[Insert name of Local Government]

Was hereunto affixed pursuant to a
resolution of the Council in the
presence of:

Signature of Chief Executive Officer

Signature of Witness

Name of Witness (please print)

10.1.2 Traffic Management on Roads – Road Works

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

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

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

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

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

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

Dated:

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

Signature of Witness

Name of Witness

ACKNOWLEDGMENT BY AUTHORISED BODY

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

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

Chief Executive Officer

Witness

10.1.3 Approval for Certain Local Government Vehicles as Special Use Vehicles



Government of Western Australia
Department of Transport
Driver and Vehicle Services

ROAD TRAFFIC (VEHICLES) ACT 2012

Road Traffic (Vehicles) Regulations 2014

RTVR-2017-202046

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

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

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

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

CONDITIONS

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



Government of **Western Australia**
Department of **Transport**
Driver and Vehicle Services

- (a) have words clearly set out on the sides of the vehicle which state the name of the local government in question together with the words "Ranger", "Ranger Services", or words to similar unambiguous effect; and
- (b) where the vehicle is a station wagon or van, have the words "Ranger", "Ranger Services", or words to similar unambiguous effect clearly set out on the back of the vehicle.

This condition 7 is not intended to prevent the use of additional words on the vehicle.

Christopher Davers
Assistant Director, Strategy and Policy
Driver and Vehicle Services
Department of Transport

Dated the 5th day of September 2017

[Approval for ranger vehicles to fit and use yellow flashing lights \(transport.wa.gov.au\)](https://transport.wa.gov.au)
Extracted on line on 15 March 2021

10.2 Council to CEO

10.2.1 Approving Restricted Access Vehicles on Shire Roads

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995</i> <i>Land Administration Act 1997</i> Section 56(2) road reserves under the control of the local government <i>Public Works Act 1902</i> Section 86(2) Governor may declare roads to be under the control of the local government Road Traffic (Vehicle Standards) Regulations 2002
Delegate:	Chief Executive Officer
Function:	To determine an application referred from Main Roads WA to use Restricted Access Vehicles (RAV) on any local road within the district, recommending approval or refusal and conditions. As well as grant letters of authority where conditions have been applied.
Council Conditions on this Delegation:	a. All applications must be made in writing and will be subject to assessment against criteria and conditions as per Main Roads WA guidelines- Standard Restricted Access Vehicle Route Assessment Guidelines
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Infrastructure Services
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub-delegations, excluding the power of sub-delegation.
Compliance Links:	Local Government Act 1995 Road Traffic Act 1974 Main Roads WA
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegations Register is to be reported to Council monthly as an attachment to the Information Report.