



Shire of Ashburton Register of Delegations and Authorisations

Current – 19 April 2024

Review Record

| Reviewed by | Date approved | Review Type | Resolution/Reference No: |
|-------------------------------|------------------|---|---------------------------|
| Council | 12 April 2022 | Council annual review. | OCM April 2023 – 039/2022 |
| Chief Executive Officer (CEO) | 10 January 2023 | CEO annual review of sub- delegations. | Record number 2348418 |
| Council | 13 June 2023 | Council annual review. | OCM June 2023 – 102/2023 |
| Chief Executive Officer (CEO) | 15 August 2023 | CEO updated, sub delegates (04.01.01) cat registrations (05.01.01) dog registration officers. | Record number 2350219 |
| Chief Executive Officer (CEO) | 21 December 2023 | CEO reviewed and updated, Sub Delegations and Authorisations | Record number 2451054 |
| Chief Executive Officer (CEO) | 10 January 2024 | CEO updated. Authorised persons (AA.02.02) and limitations | Record number 2451101 |
| Chief Executive Officer (CEO) | 19 April 2024 | CEO updated list of sub delegates (01.01.16) | Record number 2451695 |
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Introduction

Legislation

The *Local Government Act 1995* (the Act) commenced operating on 1 July 1996 and made significant changes to the way local government conducts its business. Its general aim is to enable local governments to provide good, open and accountable government to the community.

One of the changes is the degree of delegated authority available to be passed onto the Chief Executive Officer (CEO) or a Committee in order to perform the functions of a local government.

The Act allows the Council, as the governing body of a local government, to delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under the Act, subject to some exceptions.

However, all delegations made by the Council must be by absolute majority decision under s 5.42(1) of the Act.

Associated Legislation

Where legislation provides for the direct delegation to authorise a person or a member of a class of persons by other agencies or decision makers.

For example: the Environmental Protection Act allows for the CEO of the Department of Environment Regulation to grant delegated authority direct to a local government.

The authorisation is dealt with in the relevant legislation and, where required, the Instrument of Delegation or Notice of the Appointment is advertised in the *Government Gazette*, if required.

Those delegations or authorisations that may occur under legislation other than the *Local Government Act 1995*, its regulations and the local government's local laws includes:

1. *Building Act 2011*
2. *Bush Fires Act 1954, regulations and local laws created under that Act;*
3. *Caravan Parks and Camping Grounds Act 1995;*
4. *Cat Act 2011 and regulations;*
5. *Control of Vehicles (Off-Road Areas) Act 1978 and regulations;*
6. *Dog Act 1976 and regulations;*
7. *Environmental Protection Act 1986;*
8. *Environmental Protection (Noise) Regulations 1997;*
9. *Food Act 2008 and regulations;*
10. *Litter Act 1979 and regulations;*
11. *Local Government (Miscellaneous Provisions) Act 1960 as amended;*
12. *Freedom of Information Act 1992;*

13. *Planning and Development Act 2005 and associated regulations;*
14. *Public Health Act 2016, subsidiary legislation and local laws created under that Act;*

NB. This is not an exhaustive list.

Register of Delegations

Section 5.44 of the Act provides for the Chief Executive Officer (CEO) to delegate any of their powers to another employee, this must be done in writing.

The Act also allows for the CEO to place conditions on any delegations that he or she has delegated (s 5.44(4)) of the Act.

A register of delegations relevant to the CEO and other employees is to be kept and reviewed at least once every financial year (s.546(1),(2) of the Act). If a person is exercising a power or a duty that they have been delegated, the Act requires that records be kept whenever the delegated authority is used (s.5.46(3)) of the Act.

The record is to contain the following information:

- How the person exercised the power or discharged the duty;
- When the person exercised the power or discharged the duty; and
- The persons or classes of persons, other than Council or Committee members or employees of the local governments, directly affected by the exercise of the power or the discharge of the duty (Reg 19 *Local Government (Administration) Regulations 1996*).

This Register outlines all powers or duties that require the exercise of a discretion or the making of a decision.

Delegation v Authorisation

Delegations and authorisations are the means by which decision making bodies can access the power to undertake certain statutory functions. A delegation is the conferral of the ability to exercise that power of duty. When exercising a delegation, the person does so 'on behalf of' the delegator.

A statutory authorisation, (such as to an authorised officer or authorised person) is the designation of an officer (or to a specific existing position within the organisation) who is able to exercise specific statutory powers, duties or functions. The ability to authorise can be either from Council direct, by the CEO, by a sub delegate of the CEO, depending on legislative framework.

When exercising a power under an authorisation the person exercises that power on their own behalf.

Interpretation Act 1984

Section 58 and 59 of the *Interpretation Act 1984* outline that, where under the written law the performance of a function is dependent on the opinion, belief or state of mind in relation to the matter to be decided, and that power has been delegated then the person acts in their own right for the entity.

The delegator can impose conditions and can also exercise the power or duty.

Acting Through

The *Local Government Act 1995* provides for the eventuality that a power or duty not formally delegated to a person can still be exercised on behalf of the entity who holds the power. A person who acts through does so on behalf of the holder of the power not in their own right.

For instance, a person may sign a letter on behalf of the CEO, which means the subject or content is to be attributed to the CEO. A person with Delegation would act on their own behalf.

Term of Delegation / Authorisation

Unless otherwise expressly provided delegations, sub-delegations or authorisations remain in effect until otherwise revoked or varied by the external authorising entity, the Local Government or the CEO, as the particular case requires.

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| Delegation | 01.01.01 Appoint Authorised Persons |
| Category | 01.01 Council to Chief Executive Officer |
| Head of power | 01 Local Government Act 1995 |
| Delegator | Local Government |
| Express power to delegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 5.42 Delegation of some powers or duties to the CEO |
| Express power or duty delegated | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 - Certain provisions about land] |
| Function | <ol style="list-style-type: none"> Authority to authorise a person to exercise the local government powers under subdivision 2 [s. 3.24]. Authority to authorise an employee for the purposes of s. 9.11(1) and s.9.11(2). |
| Delegates | Chief Executive Officer |
| Conditions | <ol style="list-style-type: none"> A register of Authorised Persons is to be maintained as a Local Government Record. Only persons who are appropriately qualified and trained may be appointed as Authorised Persons. |
| Express power to subdelegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 5.44 CEO may delegate some powers and duties to other employees |
| Subdelegates | Deputy Chief Executive Officer Executive Manager Land, Property and Regulatory Services |
| Subdelegate conditions | Nil |
| Statutory framework | <i>Local Government Act 1995</i> |
| Policy | Nil |

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| Record keeping | <ol style="list-style-type: none"> 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>. 2. A record of each Authorisation is to be retained in the Authorised Persons Register and retained as a Local Government Record. 3. Instruments or Certificates of Authorisation are to be provided to Authorised Persons, and copies of these documents are to be retained in the assigned records management system. |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption reference | Council Decision – 139/2020 |

| Amendment and Review Table | | | |
|-----------------------------------|-----------------------|---|-----------------------|
| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | CEO annual review | Sub-delegates added | Record number 2348418 |
| 13 June 2023 | Council annual review | Amended express power or function delegated | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 01.01.02 Powers of Entry |
| Category | 01.01 Council to Chief Executive Officer |
| Head of power | 01 Local Government Act 1995 |
| Delegator | Local Government |
| Express power to delegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 5.42 Delegation of some powers or duties to the CEO |
| Express power or duty delegated | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 3.32 Notice of entry s. 3.33 Entry under warrant s. 3.34 Entry in an emergency s. 3.36 Opening fences |
| Function | <ol style="list-style-type: none"> 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]. Authority to give notice of entry [s. 3.32]. Authority to seek and execute an entry under warrant [s. 3.33]. Authority to execute entry in an emergency, using such force as is reasonable [s. 3.34(1) and s. 3.34(3)]. Authority to give notice and effect entry by opening a fence [s.3.36]. |
| Delegates | Chief Executive Officer |
| Conditions | <ol style="list-style-type: none"> Delegated authority under s.3.34(1) and (3) may only be used, where there is an emergency, which in the opinion of the CEO [s.3.34(2)] may create imminent or substantial risk to a person or property. |
| Express power to subdelegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 5.44 CEO may delegate some powers and duties to other employees |
| Subdelegates | Deputy Chief Executive Officer Director Infrastructure Services Executive Manager Land, Property and Regulatory Services |
| Subdelegate conditions | Conditions imposed on the delegate also apply to the sub delegates. |
| Statutory framework | <i>Local Government Act 1995</i> |
| Policy | Nil |

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| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations, in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption reference | Council Decision – 139/2020 |

| Amendment and Review Table | | | |
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| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | CEO annual review | Sub-delegates added | Record number 2348418 |
| 13 June 2023 | Council annual review | Updated delegation conditions. | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 01.01.03 Impounding Abandoned Vehicle Wrecks and Goods Involved in Certain Contraventions |
| Category | 01.01 Council to Chief Executive Officer |
| Head of power | 01 Local Government Act 1995 |
| Delegator | Local Government |
| Express power to delegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 5.42 Delegation of some powers or duties to the CEO |
| Express power or duty delegated | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 3.40A Abandoned vehicle wreck may be taken s. 3.42 Impounded non-perishable goods s. 3.44 Notice to collect goods if not confiscated s. 3.46 Goods may be withheld until costs paid |
| Function | <ol style="list-style-type: none"> Authority to declare a vehicle is an abandoned wreck. Authority to give notice of impoundment. Authority to give notice of place where goods can be collected. Authority to recover costs for removing, impounding, and keeping goods before goods returned. |
| Delegates | Chief Executive Officer |
| Conditions | Disposal of declared abandoned vehicle wrecks are to be undertaken in accordance with legislative requirements. |
| Express power to subdelegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 5.44 CEO may delegate some powers and duties to other employees |
| Subdelegates | Deputy Chief Executive Officer Coordinator Ranger Services Director Infrastructure Services Executive Manager Land, Property and Regulatory Services Manager Regulatory Services Ranger |
| Subdelegate conditions | Nil |
| Statutory framework | <i>Local Government Act 1995</i> |
| Policy | Nil |

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| Record keeping | Each <i>instance</i> of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption reference | Council Decision – 139/2020 |

| Amendment and Review Table | | | |
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| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | CEO annual review | Amended list of sub-delegates | Record number 2348418 |
| 13 June 2023 | Council annual review | Nil | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 01.01.04 Disposing of Confiscated or Uncollected Goods and Sick or Injured Animals |
| Category | 01.01 Council to Chief Executive Officer |
| Head of power | 01 Local Government Act 1995 |
| Delegator | Local Government |
| Express power to delegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 5.42 Delegation of some powers or duties to the CEO |
| Express power or duty delegated | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 3.47 Confiscated or uncollected goods, disposal of s. 3.47A Sick or injured animals, disposal of s. 3.48 Impounding expenses, recovery of |
| Function | <ol style="list-style-type: none"> Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles which have been ordered to be confiscated under legislation [s.3.47]. Authority to determine when an impounded animal is ill or injured, and treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s. 3.47A]. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s. 3.48]. The period after which goods may be sold or otherwise disposed of is – <ol style="list-style-type: none"> Perishable goods - three (3) days, Animals - seven (7) days, Prescribed non-perishable goods - one (1) month, and Other non-perishable goods - two (2) months. |
| Delegates | Chief Executive Officer |
| Conditions | <ol style="list-style-type: none"> Delegation is only to be used where reasonable efforts to identify and contact an owner have failed. Disposal of confiscated or uncollected goods, including abandoned vehicles, with an estimated market value less than \$20,000, will be disposed of by any means considered to provide best value, provided the process is transparent and accountable. |
| Express power to subdelegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 5.44 CEO may delegate some powers and duties to other employees |

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| Subdelegates | Coordinator Ranger Services Deputy Chief Executive Officer Director Infrastructure Services Executive Manager Land, Property and Regulatory Services Manager Regulatory Services Ranger |
| Subdelegate conditions | Coordinator Ranger Services and Ranger are limited to s. 3.47A. |
| Statutory framework | <i>Local Government Act 1995</i> |
| Policy | Nil |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption reference | Council Decision – 139/2020 |

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| 13 June 2023 | Council annual review | Nil | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 01.01.05 Close Thoroughfares to Vehicles |
| Category | 01.01 Council to Chief Executive Officer |
| Head of power | 01 Local Government Act 1995 |
| Delegator | Local Government |
| Express power to delegate | <p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • s. 5.42 Delegation of some powers or duties to the CEO |
| Express power or duty delegated | <p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • s. 3.50 Closing certain thoroughfares to vehicles • s. 3.50A Partial closure of thoroughfare for repairs or maintenance • s. 3.51 Affected owners to be notified of certain proposals |
| Function | <ol style="list-style-type: none"> 1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding four (4) weeks [s. 3.50(1)]. 2. Authority to determine to close a thoroughfare for a period exceeding four (4) weeks and before doing so, to – <ol style="list-style-type: none"> a. give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons, and persons who own prescribed land; and b. consider submissions relevant to the road closure/s proposed [s. 3.50(1a), s. 3.50 (2) and s. 3.50(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 impact on users of the thoroughfare [s. 3.50A] 5. Before doing anything to which s. 3.51 applies, take action to notify impacted owners and give public notice which 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]. |
| Delegates | Chief Executive Officer |

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| Conditions | <ol style="list-style-type: none"> If, under s. 3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s. 3.50(8)]. Maintain access to adjoining land [s. 3.52(3)] (relevant to a Townsite only). |
| Express power to subdelegate | <p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> s. 5.44 CEO may delegate some powers and duties to other employees |
| Subdelegates | <p>Deputy Chief Executive Officer Director Infrastructure Services Executive Manager Land, Property and Regulatory Services Manager Roads and Civil Projects Manager Town Maintenance</p> |
| Subdelegate conditions | Nil |
| Statutory framework | <p><i>Local Government Act 1995</i> <i>Local Government (Uniform Local Provisions) Regulations 1996</i> <i>Road Traffic (Events on Roads) Regulations 1991</i></p> |
| Policy | Nil |
| Record keeping | <ol style="list-style-type: none"> Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>. |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption reference | Council Decision – 139/2020 |

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| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | CEO review | Record keeping requirements amended | Record number 2348418 |
| 13 June 2023 | Council annual review | Nil | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 01.01.06 Obstruction of Pathways and Thoroughfares |
| Category | 01.01 Council to Chief Executive Officer |
| Head of power | 01 Local Government Act 1995 |
| Delegator | Local Government |
| Express power to delegate | <p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> s. 5.42 Delegation of some powers or duties to the CEO |
| Express power or duty delegated | <p><i>Local Government (Uniform Local Provisions) Regulations 1996</i></p> <ul style="list-style-type: none"> 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). |
| Function | <ol style="list-style-type: none"> 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 pathway on land which is local government property, to require the person to cover the footpath during the period specified in the notice so as to: <ol style="list-style-type: none"> prevent damage to the pathway, or prevent inconvenience to the public or danger from falling materials [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 which may obstruct the public thoroughfare [r. 6(2) and r. 6(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 [r. 6(6)]. Authority to require an owner or occupier of land to remove any thing which has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [r. 7A]. Authority to require an owner occupier of land to remove any part of a structure, tree or plant which is encroaching, without lawful authority on a public thoroughfare [r. 7]. |

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| Delegates | Chief Executive Officer |
| Conditions | <ol style="list-style-type: none"> 1. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. 2. Permission may only be granted where the proponent has - <ol style="list-style-type: none"> a. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. b. Provided a bond, sufficient to the value of works which may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works. c. Provided evidence of sufficient Public Liability Insurance, as determined from time to time. d. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.' |
| Express power to subdelegate | <p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • s. 5.44 CEO may delegate some powers and duties to other employees |
| Subdelegates | <p>Coordinator Ranger Services Deputy Chief Executive Officer Director Infrastructure Services Executive Manager Land, Property and Regulatory Services Manager Regulatory Services Manager Roads and Civil Projects Manager Town Maintenance Ranger</p> |
| Subdelegate conditions | Nil |
| Statutory framework | <p><i>Local Government Act 1995</i> <i>Local Government (Uniform Local Provisions) Regulations 1996</i> <i>Road Traffic (Events on Roads) Regulations 1991</i></p> |
| Policy | Nil |
| Record keeping | <ol style="list-style-type: none"> 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegation in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>. |

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| Date adopted | 12 April 2022 – Ordinary Council Meeting |
| Adoption reference | Council Decision – 039/2022 |

| Amendment and Review Table | | | |
|-----------------------------------|-----------------------|-------------------------------|-----------------------|
| Date | Review Type | Amendment Details | References |
| 10 January 2023 | CEO annual review | Amended list of sub-delegates | Record number 2348418 |
| 13 June 2023 | Council annual review | Nil | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 01.01.07 Gates Across Public Thoroughfares |
| Category | 01.01 Council to Chief Executive Officer |
| Head of power | 01 Local Government Act 1995 |
| Delegator | Local Government |
| Express power to delegate | <p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> s. 5.42 Delegation of some powers or duties to the CEO |
| Express power or duty delegated | <p><i>Local Government (Uniform Local Provisions) Regulations 1996</i></p> <ul style="list-style-type: none"> r .9 Permission to have gate across public thoroughfare - Sch. 9.1 cl.5(1) |
| Function | <ol style="list-style-type: none"> Authority to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare which permits the passage of vehicle traffic and prevents livestock straying [r. 9(1)]. Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r. 9(2)]. Authority to impose conditions on granting permission [r. 9(4)]. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [r.9(5)]. Authority to cancel permission by written notice, and request the person to whom permission was granted to remove the gate or device within a specified time [r. 9(6)]. |
| Delegates | Chief Executive Officer |
| Conditions | <ol style="list-style-type: none"> Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. Each approval provided must be recorded in the Shire's statutory Register of Gates <i>in accordance with Regulation 8 of the Local Government (Uniform Local Provisions) Regulations 1996</i>. No locks are to be fitted to the gates. |
| Express power to subdelegate | <p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> s. 5.44 CEO may delegate some powers and duties to other employees |

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| Subdelegates | Director Infrastructure Services Manager Roads and Civil Projects |
| Subdelegate conditions | Conditions imposed on the delegate also apply to the sub delegates |
| Statutory framework | <i>Local Government (Uniform Local Provisions) Regulations 1996</i> |
| Policy | Nil |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption reference | Council Decision – 139/2020 |

| Amendment and Review Table | | | |
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| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | CEO annual review | Amended record keeping requirements | Record number 2348418 |
| 13 June 2023 | Council annual review | Updated conditions and subdelegate conditions | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 01.01.08 Public Thoroughfare – Dangerous Excavations |
| Category | 01.01 Council to Chief Executive Officer |
| Head of power | 01 Local Government Act 1995 |
| Delegator | Local Government |
| Express power to delegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s.5.42 Delegation of some powers or duties to the CEO |
| Express power or duty delegated | <i>Local Government (Uniform Local Provisions) Regulations 1996</i> <ul style="list-style-type: none"> r. 11(1), r. 11(4), r. 11(6) and r. 11(8) Dangerous excavation in or near public thoroughfare - Sch. 9.1 cl. 6 |
| Function | <ol style="list-style-type: none"> 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 [r. 11(1)]. 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 [r. 11(4)]. Authority to impose conditions on granting permission [r. 11(6)]. Authority to renew a permission granted or vary at any time any condition imposed on a permission granted [r. 11(8)]. |
| Delegates | Chief Executive Officer |
| Conditions | <ol style="list-style-type: none"> Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. Permission may only be granted where the proponent has: <ol style="list-style-type: none"> 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. Provided a bond, sufficient to the value of works, which may be required if the proponent does not satisfactorily make good the public assets at the completion of works. Provided evidence of sufficient Public Liability Insurance, as appropriate. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. |

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| Express power to subdelegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s.5.44 CEO may delegate some powers and duties to other employees |
| Subdelegates | Director Infrastructure Services Manager Roads and Civil Projects Manager Town Maintenance |
| Subdelegate conditions | Conditions imposed on the delegate also apply to the sub delegates. |
| Statutory framework | <i>Local Government Act 1995</i> <i>Local Government (Uniform Local Provisions) Regulations 1996</i> |
| Policy | Nil |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption reference | Council Decision – 139/2020 |

| Amendment Table | | | |
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| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | CEO annual review | Amended record keeping requirements | Record number 2348418 |
| 13 June 2023 | Council annual review | Updated subdelegate conditions | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 01.01.09 Crossing – Construction, Repair and Removal |
| Category | 01.01 Council to Chief Executive Officer |
| Head of power | 01 Local Government Act 1995 |
| Delegator | Local Government |
| Express power to delegate | <p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> s. 5.42 Delegation of some powers or duties to the CEO |
| Express power or duty delegated | <p><i>Local Government (Uniform Local Provisions) Regulations 1996</i></p> <ul style="list-style-type: none"> r. 12(1) Crossing from public thoroughfare to private land or private thoroughfare - Sch. 9.1 cl. 7(2) r. 13(1) Requirement to construct or repair crossing - Sch. 9.1 cl. 7(3) r. 14 Role of Commissioner of Main Roads in some cases - Sch. 9.1 cl. 7(2) r. 15 Contribution to cost of crossing |
| Function | <ol style="list-style-type: none"> 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 [r. 12(1)]. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [r. 12(1)(a)]. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [r. 13(1)]. 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 [r. 13(2)]. |
| Delegates | Chief Executive Officer |
| Conditions | <ol style="list-style-type: none"> Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. |
| Express power to subdelegate | <p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> s. 5.44 CEO may delegate some powers and duties to other employees |

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| Subdelegates | Director Infrastructure Services Manager Roads and Civil Projects Manager Town Maintenance |
| Subdelegate conditions | <ol style="list-style-type: none"> 1. Council encourages land owners to install vehicle crossovers in a timely manner. 2. Council will offer a subsidy towards the costs of a crossing to encourage landowners to install crossovers. 3. Specifications shall be developed and will form the basis for calculation of the subsidy payment. 4. The vehicle crossing subsidy will be reviewed on a regular basis and will be based upon payment as a maximum of up to one-half of the cost of a standard crossing (as determined from time to time) from the road surface to the front boundary of the property. 5. Specifications for the different circumstances within the district will be determined and, once determined, each crossing must be constructed in accordance with the Shire's specifications, with the remaining cost to be payable by the property owner. 6. In the instance where an existing vehicle crossing has reached the end of its lifecycle, a subsidy may be payable if the crossing is replaced in accordance with the Shire's specification and standards. Any additional costs associated with the replacement of the crossing is the responsibility of the owner. 7. Maintenance and upkeep of the crossing to a safe and useable standard is the responsibility of the property owner. 8. The procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996 must be complied with. |
| Statutory framework | <i>Local Government Act 1995</i> <i>Local Government (Uniform Local Provisions) Regulations 1996</i> |
| Policy | Nil |
| Record keeping | <ol style="list-style-type: none"> 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>. |

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| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption reference | Council Decision – 139/2020 |

| Amendment and Review Table | | | |
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| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | CEO annual review | Amended record keeping requirements | Record number 2348418 |
| 13 June 2023 | Council annual review | Updated subdelegate conditions | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 01.01.10 Private Works on, over or under Public Places |
| Category | 01.01 Council to Chief Executive Officer |
| Head of power | 01 Local Government Act 1995 |
| Delegator | Local Government |
| Express power to delegate | <p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> s. 5.44 CEO may delegate some powers and duties to other employees |
| Express power or duty delegated | <p><i>Local Government (Uniform Local Provisions) Regulations 1996</i></p> <ul style="list-style-type: none"> r. 17 Private works on, over, or under public places - Sch. 9.1 cl. 8 |
| Function | <ol style="list-style-type: none"> Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place which is local government property [r. 17(3)]. Authority to impose conditions on permission including those prescribed in r. 17(5) and r. 17(6) [r. 17(5)]. |
| Delegates | Chief Executive Officer |
| Conditions | <ol style="list-style-type: none"> Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. Permission may only be granted where the proponent has: <ol style="list-style-type: none"> 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. Provided a bond, sufficient to the value of works, which may be required if the proponent does not satisfactorily make good the public assets at the completion of works. Provided evidence of sufficient Public Liability Insurance, as appropriate. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity Permission cannot be provided for a permanent or unreasonable obstruction of the ordinary and reasonable use of the public thoroughfare or other public place. |
| Express power to subdelegate | <p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> s. 5.44 CEO may delegate some powers and duties to other employees |

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| Subdelegates | Director Infrastructure Services Manager Roads and Civil Projects Manager Town Maintenance |
| Subdelegate conditions | Conditions imposed on the delegate also apply to the sub delegates. |
| Statutory framework | <i>Local Government Act 1995</i> <i>Local Government (Uniform Local Provisions) 1996</i> |
| Policy | Nil |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption reference | Council Decision – 139/2020 |

| Amendment and Review Table | | | |
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| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | CEO annual review | Amended record keeping requirements | Record number 2348418 |
| 13 June 2023 | Council annual review | Updated subdelegate conditions | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 01.01.11 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift |
| Category | 01.01 Council to Chief Executive Officer |
| Head of power | 01 Local Government Act 1995 |
| Delegator | Local Government |
| Express power to delegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 5.42 Delegation of some powers or duties to the CEO |
| Express power or duty delegated | <i>Local Government (Uniform Local Provisions) 1996</i> <ul style="list-style-type: none"> r. 21(1) Wind erosion and sand drifts - Sch.9.1 cl.12 |
| Function | <ol style="list-style-type: none"> Authority to give notice to an owner / occupier of land if it is considered clearing the owner / occupier's land may cause local government land having a common boundary, to be adversely affected by wind erosion or sand drift [ULP r.21(1)]. Authority to give notice to an owner / occupier of land to prevent, or to minimise, sand drifts likely to adversely impact other land. |
| Delegates | Chief Executive Officer |
| Conditions | Nil |
| Express power to subdelegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 5.44 CEO may delegate powers and duties to other employees |
| Subdelegates | Deputy Chief Executive Officer Director Infrastructure Services Executive Manager Land, Property and Regulatory Services Manager Regulatory Services Manager Roads and Civil Projects Manager Town Maintenance |
| Subdelegate conditions | Nil |
| Statutory framework | <i>Local Government Act 1995</i> <i>Local Government (Uniform Local Provisions) Regulations 1996</i> |
| Policy | Nil |
| Record keeping | <ol style="list-style-type: none"> Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>. |

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| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption reference | Council Decision – 139/2020 |

| Amendment and Review Table | | | |
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| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | CEO annual review | Amended list of sub-delegates | Record number 2348418 |
| 13 June 2023 | Council annual review | Nil | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 01.01.12 Disposing of Property |
| Category | 01.01 Council to Chief Executive Officer |
| Head of power | 01 Local Government Act 1995 |
| Delegator | Local Government |
| Express power to delegate | <p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • s. 5.42 Delegation of some powers or duties to the CEO |
| Express power or duty delegated | <p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • s. 3.58(2) and s. 3.58(3) Disposing of Property <p><i>Local Government (Functions and General) Regulations 1995</i></p> <ul style="list-style-type: none"> • r. 30 Dispositions of property excluded from Act s. 3.58 |
| Function | <ol style="list-style-type: none"> 1. Authority to dispose of property to - <ol style="list-style-type: none"> a. to the highest bidder at public auction [s. 3.58(2)(a)]. b. to the person who, at public tender called by the local government, makes what is considered by the delegate to be the most acceptable tender, whether or not it is the highest tender [s. 3.58(2)(b)]. 2. Authority to dispose of property by private treaty, only in accordance with s. 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s. 3.58(3)]. 3. Authority to deal with exempt dispositions specifically employee and other residential tenancy arrangements. |
| Delegates | Chief Executive Officer |
| Conditions | <ol style="list-style-type: none"> 1. Disposal of assets / property is limited to matters specified in the Annual Budget and, in any other case, a Council resolution is required. 2. In accordance with s. 5.43(d) of the <i>Local Government Act 1995</i>, disposal of property, for any single project or, where not part of a project and part of a single transaction, is limited to a maximum value of \$75,000 or less. 3. When determining the method of disposal - <ol style="list-style-type: none"> a. Where a public auction is determined as the method of disposal - <ol style="list-style-type: none"> i. Reserve price has been set by independent valuation. ii. Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price. |

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| <p>Conditions Continued.....</p> | <p>b. Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the Chief Executive Officer 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.</p> <p>c. Where a private treaty is determined [s. 3.58(3)] as the method of disposal, authority to:</p> <p>i. Negotiate the sale of the property up to a -10% variance on the valuation; and</p> <p>ii. Consider any public submissions received and determine if to proceed with the disposal, ensuring reasons for the decision are recorded.</p> <p>d. Where the market value of the assets / property (other than land) is determined as being less than \$20,000 [r. 30(3)] disposal will be undertaken in accordance with Council Policy – Disposal of Property (Other than Land).</p> <p>e. Where the property is determined as having a \$nil market value then, as a minimum, the disposal must ensure environmentally responsible disposal.</p> |
| <p>Express power to subdelegate</p> | <p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> s. 5.44 CEO may delegate some powers and duties to other employees |
| <p>Subdelegates</p> | <p>Deputy Chief Executive Officer Director Corporate Services Director Infrastructure Services Fleet Manager Manager Airport Services Manager Finance</p> |
| <p>Subdelegate conditions</p> | <ol style="list-style-type: none"> Director Infrastructure Services and Fleet Manager – Authority to dispose of fleet, plant and machinery only. Director Corporate Services and Manager Finance – Authority to disposal of assets/property (other than land, fleet, plant and machinery under the value of \$20,000. Manager Airport Services – Authority to dispose of confiscated or uncollected property under the value of \$20,000. |
| <p>Statutory framework</p> | <p><i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i></p> |
| <p>Policy</p> | <p>Council Policy – Disposal of Property (Other than Land) Council Policy – Community Leases and Licences</p> |

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| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption reference | Council Decision – 139/2020 |

| Amendment and Review Table | | | |
|-----------------------------------|-----------------------|--|-----------------------|
| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | CEO annual review | Amended list of sub-delegates and conditions imposed. | Record number 2348418 |
| 13 June 2023 | Council annual review | Updated delegated functions and delegate and subdelegate conditions. | OCM 102/2023 |
| 21 December 2023 | CEO annual review | Corrected legislation reference. Updated sub delegates, subdelegate conditions and functions | Record number 2451054 |
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| Delegation | 01.01.13 Expressions of Interest for Goods and Services |
| Category | 01.01 Council to Chief Executive Officer |
| Head of power | 01 Local Government Act 1995 |
| Delegator | Local Government |
| Express power to delegate | <p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> s. 5.42 Delegation of some powers or duties to the CEO |
| Express power or duty delegated | <p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> s. 3.57 Tenders for providing goods or services <p><i>Local Government (Functions and General) Regulations 1996</i></p> <ul style="list-style-type: none"> r. 21 Limiting who can tender, procedure for r. 23 Rejecting and accepting expressions of interest to be acceptable tenderer |
| Function | <ol style="list-style-type: none"> 1. Authority to determine when to seek Expressions of Interest for the supply of goods or services [r. 21]. 2. Authority to provide state wide advertising seeking Expressions of Interest before inviting tenders [r. 21]. 3. 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 [r. 23]. |
| Delegates | Chief Executive Officer |
| Conditions | Nil |
| Express power to subdelegate | <p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> s. 5.44 CEO may delegate some powers and duties to other employees |
| Subdelegates | Deputy Chief Executive Officer Director Community Development Director Corporate Services Director Infrastructure Services |
| Subdelegate conditions | Nil |
| Statutory framework | <p><i>Local Government Act 1995</i></p> <p><i>Local Government (Functions and General) Regulations 1996</i></p> |
| Policy | Council Policy – Purchasing and Procurement |
| Record keeping | <ol style="list-style-type: none"> 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>. |

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| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption reference | Council Decision – 139/2020 |

| Amendment and Review Table | | | |
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| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | CEO annual review | Amended list of sub-delegates. | Record number 2348418 |
| 13 June 2023 | Council annual review | Nil | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 01.01.14 Tenders for Goods and Service |
| Category | 01.01 Council to Chief Executive Officer |
| Head of power | 01 Local Government Act 1995 |
| Delegator | Local Government |
| Express power to delegate | <p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> s. 5.42 Delegation of some powers or duties to the CEO |
| Express power or duty delegated | <p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> s. 3.57 Tenders for providing goods or services <p><i>Local Government (Functions and General) Regulations 1996</i></p> <ul style="list-style-type: none"> r. 11 When tenders have to be publicly invited r. 13 Requirements when local government invites tenders though not required to do so r. 14 Publicly inviting tenders, requirements for r. 18 Rejecting and accepting tenders r. 20 Variation of requirements before entry into contract r. 21A Varying a contract for the supply of goods or services |
| Function | <ol style="list-style-type: none"> Authority to call tenders [r. 11(1)]. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely there is more than one supplier, determine a sole supplier arrangement [r. 11(f)]. Authority to invite tenders although not required to do so [r. 13]. Authority to determine, in writing, before tenders are called, the criteria for acceptance of tenders [r. 14(2a)]. Authority to determine the information to be disclosed to those interested in submitting a tender [r. 14(4)(a)]. 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 [r. 14(5)]. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [r. 18(4)]. |

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| <p>Function, Continued</p> | <ol style="list-style-type: none"> 8. Authority to accept, or reject tenders, only within the certain \$value detailed as a condition on this delegation and in accordance with legislation [r. 18(2) and r. 18(4)]. 9. Authority to determine a variation proposed is minor in context of the total goods or services sought through the invitation to tender, subject to a maximum 10% variation within the \$value detailed as a condition on this delegation, and to then enter into minor variations with the successful tenderer before entering into a contract [r. 20(1) and r. 20(3)]. 10. Authority to seek clarification from tenderers in relation to information contained in their tender submission [r. 18(4a)]. 11. Authority to decline any tender [r. 18(5)]. 12. If the chosen tenderer is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful tenderer, so the tenderer ceases to be the chosen tenderer, authority to choose the next most advantageous tender to accept [r. 20(2)]. 13. Authority to – <ol style="list-style-type: none"> a. vary a contract after it has been entered into, with a successful tenderer provided the variation/s do not change the scope of the original contract, subject to a maximum 10% variation within the \$value detailed as a condition on this delegation, and b. exercise an extension option which was included in the original tender specification and contract in accordance with r. 11(2)(j). [r. 21A]. 14. Authority to accept another tender where within six (6) months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract [r. 18(6) and r. 18(7)]. |
| <p>Delegates</p> | <p>Chief Executive Officer</p> |

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| <p>Conditions</p> | <ol style="list-style-type: none"> 1. Sole supplier arrangements may only be approved where a record is retained which evidences – <ol style="list-style-type: none"> a. A detailed specification, b. The outcomes of market testing of the specification, c. The reasons why market testing has not met the requirements of the specification, and d. Rationale for why the supply is unique and cannot be sourced through other suppliers. 2. 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 - <ol style="list-style-type: none"> a. Proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government, b. Current supply contract expiry is imminent, c. Value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and d. The tender specification includes a provision the tender will only be awarded subject to the budget adoption by Council. 3. The cost of the variation/s must be available within the approved project budget (should additional funds be needed Council approval is required). 4. The \$ value referred to in the 'Function' section of this delegation is \$2.0 million. |
| <p>Express power to subdelegate</p> | <p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • s. 5.44 CEO may delegate some powers and duties to other employees |
| <p>Subdelegates</p> | <p>Deputy Chief Executive Officer Director Community Development Director Corporate Services Director Infrastructure Services</p> |
| <p>Subdelegate conditions</p> | <p>For the subdelegate, the Deputy Chief Executive Officer the value limit referred to in the 'Function' section is \$1.5 million.</p> <p>For sub-delegates, the Director Community Development, Director Corporate Services and the Director Infrastructure Services the \$ value referred to in the 'Function' section of this delegation is \$250,000.</p> |
| <p>Statutory framework</p> | <p><i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i> <i>State Records Act 2000</i></p> |
| <p>Policy</p> | <p>Council Policy – Purchasing and Procurement</p> |

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| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption references | Council Decision – 139/2020 |

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| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | Amended delegation | CEO review - amended list of sub-delegates. | Record number 2348418 |
| 13 June 2023 | Council annual review | Nil | OCM 102/2023 |
| 21 December 2023 | CEO annual review | Updated sub delegates, and conditions amended. | Record number 2451054 |
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| Delegation | 01.01.15 Panels of Pre-Qualified Suppliers for Goods and Services |
| Category | 01.01 Council to Chief Executive Officer |
| Head of power | 01 Local Government Act 1995 |
| Delegator | Local Government |
| Express power to delegate | <p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> s. 5.42 Delegation of some powers or duties to the CEO |
| Express power or duty delegated | <p><i>Local Government (Functions and General) Regulation 1996</i></p> <ul style="list-style-type: none"> 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) and r. 24AD(6) Requirements when inviting persons to apply to join panel of pre-qualified suppliers r. 24AH(2), r. 24AH(3), r. 24AH(4) and r. 24AH(5) Rejecting and accepting applications to join panel of pre-qualified suppliers |
| Function | <ol style="list-style-type: none"> Authority to determine there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [r. 24AC(1)(b)]. 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 [r. 24AD(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 [r. 24AD(6)]. Authority to reject an application without considering its merits, where it was submitted at a place and within the time specified, and fails to comply with any other requirement specified in the invitation [r. 24AH(2)]. 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 [r. 24AH(3)]. Authority to request clarification of information provided in a submission by an applicant [r. 24AH(4)]. Authority to decline to accept any application [r. 24AH(5)]. |

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| Function – Continued... | <p>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 [r. 24AJ(1)].</p> <p>9. Authority to establish a panel of pre-qualified suppliers up to a maximum \$value detailed as a condition on this delegation.</p> |
| Delegates | Chief Executive Officer |
| Conditions | 1. The \$ value referred to in the 'Function' section of this delegation is \$2.0 million. |
| Express power to subdelegate | <p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> s. 5.44 CEO may delegate some powers and duties to other employees |
| Subdelegates | <p>Deputy Chief Executive Officer Director Community Development Director Corporate Services Director Infrastructure Services</p> |
| Subdelegate conditions | 1. For sub-delegates, the \$value referred to in the 'Function' section of this delegation is \$250,000. |
| Statutory framework | <p><i>Local Government Act 1995</i> <i>Local Government Act (Functions and General) Regulations 1996</i></p> |
| Policy | Council Policy – Purchasing and Procurement |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
| Date adopted | 8 September 2020 – Ordinary Council meeting |
| Adoption reference | Council Decision – 139/2020 |

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| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | Amended delegation | CEO review - amended list of sub-delegates | Record number 2348418 |
| 13 June 2023 | Council annual review | Nil | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 01.01.16 Payments from the Municipal or Trust Funds |
| Category | 01.01 Council to Chief Executive Officer |
| Head of power | 01 Local Government Act 1995 |
| Delegator | Local Government |
| Express power to delegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 5.42 Delegation of some powers or duties to the CEO |
| Express power or duty delegated | <i>Local Government (Financial Management) Regulations 1996</i> <ul style="list-style-type: none"> r. 12(1)(a) Payments from municipal fund or trust fund, restrictions on making |
| Function | 1. The Chief Executive Officer is delegated authority to make payments from the municipal or trust funds [r. 12(1)(a)]. |
| Delegates | Chief Executive Officer |
| Conditions | <ol style="list-style-type: none"> Procedures are to be systematically documented and retained, and must include references to enable recognition of statutory requirements and assign responsibility for actions to position titles. Procedures are to be regularly reviewed for continuing compliance and confirmed as 'fit for purpose' by relevant auditing bodies. The authority to make payments is unlimited, although consideration must be given to limits provided for in Council's annual budget. |
| Express power to subdelegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> 5.44 CEO may delegate some powers and duties to other employees |
| Subdelegates | Deputy Chief Executive Officer Director Community Development Director Corporate Services Director Infrastructure Services Executive Manager Waste and Business Development Manager Finance |
| Subdelegate conditions | <ol style="list-style-type: none"> Delegates must comply with procedures approved by the Chief Executive Officer, as determined from time to time. Payments by Cheque and Electronic Funds Transfer transactions must be approved jointly by two (2) sub-delegates. |
| Statutory framework | <i>Local Government Act 1995</i> <i>Local Government (Audit) Regulations 1996</i> <i>Local Government (Financial Management) Regulations 1996</i> |

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| Policy | Nil |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the Local Government (Administration) Regulations 1996. |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption reference | Council Decision – 139/2020 |

| Amendment and Review Table | | | |
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| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | Amended delegation | CEO review - amended list of sub-delegates | Record number 2348418 |
| 13 June 2023 | Council annual review | Nil | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
| 19 April 2024 | Amended delegation | CEO review - amended list of sub-delegates | Record number 2451695 |
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| Delegation | 01.01.17 Defer, Grant Discounts, Waive or Write Off Debts |
| Category | 01.01 Council to Chief Executive Officer |
| Head of power | 01 Local Government Act 1995 |
| Delegator | Local Government |
| Express power to delegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 5.42 Delegation of some powers or duties to the CEO |
| Express power or duty delegated | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 6.12 Power to defer, grant discounts, waive or write off debts |
| Function | <ol style="list-style-type: none"> Waive a debt which is owed to the Shire [s. 6.12(1)(b)]. Grant a concession in relation to money which is owed to the Shire [s. 6.12(1)(b)]. Write off an amount of money which is owed to the Shire [s. 6.12(1)(c)]. |
| Delegates | Chief Executive Officer |
| Conditions | <ol style="list-style-type: none"> All debt waivers, discounts, concession and write offs must be consistent with Council Policy, where applicable. A debt may only be written off where all necessary measures have been taken to locate or contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovery action were to be taken. The maximum value of any debt waiver, discount, concession or write-off is \$10,000. |
| Express power to subdelegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s.5.44 CEO may delegate some powers and duties to other employees |
| Subdelegates | Deputy Chief Executive Officer Director Corporate Services Manager Finance |
| Subdelegate conditions | <ol style="list-style-type: none"> Manager Finance may: <ol style="list-style-type: none"> wave rates and fees and charges where such waiver is a correction on behalf of the Shire of Ashburton, limited to a value less than \$1,000 per customer within a financial year. wave or suspend interest up to \$1,000 when a debtor enters into and complies with a payment arrangement for a period no longer than 12 months. may waive fees and charges to assist a not-for-profit community group or charitable entity that is fulfilling a service, social or cultural outcome within the Shire of Ashburton up to \$5,000. |

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| Statutory framework | <i>Local Government Act 1995</i> |
| Policy | Council Policy – Debt Recovery |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption reference | Council Decision – 139/2020 |

| Amendment and Review Table | | | |
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| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | Amended delegation | CEO review - amended list of sub-delegates and imposed conditions | Record number 2348418 |
| 13 June 2023 | Council annual review | Updated Policy reference | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 01.01.18 Power to Invest and Manage Investments |
| Category | 01.01 Council to Chief Executive Officer |
| Head of power | 01 Local Government Act 1995 |
| Delegator | Local Government |
| Express power to delegate | <p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> s.5.42 Delegation of some powers or duties to the CEO |
| Express power or duty delegated | <p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> s. 6.14 Power to invest <p><i>Local Government (Financial Management) Regulations 1996</i></p> <ul style="list-style-type: none"> r. 19 Investments, control procedures for r. 19C Investment of money, restrictions on [Act s. 6.14(2)(a)] |
| Function | <ol style="list-style-type: none"> 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)]. Authority to establish and document internal control procedures to be followed in the investment and management of investments [r. 19]. |
| Delegates | Chief Executive Officer |
| Conditions | <ol style="list-style-type: none"> All investment activity must comply with r. 19C and Council Policy, as applicable. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the monthly financial reporting to Council. Procedures are to be systematically documented and retained in accordance with the Shire's Record Keeping Plan, and must include references to enable recognition of statutory requirements and assign responsibility for actions to position titles. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee on a regular basis. |
| Express power to subdelegate | <p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> s. 5.44 CEO may delegate some powers and duties to other employees |

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| Subdelegates | Deputy Chief Executive Officer Director Corporate Services Manager Finance |
| Subdelegation conditions | 1. Investment decisions are limited to a maximum of \$10 million per transaction on the term deposit market. |
| Statutory framework | <i>Banking Act 1959</i> <i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i> <i>Trustees Act 1962</i> |
| Policy | Council Policy – Investments |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
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| 12 April 2022 | Council annual review | Nil | 039/2022 |
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| 13 June 2023 | Council annual review | No change | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 01.01.19 Rate Record – Amendment |
| Category | 01.01 Council to Chief Executive Officer |
| Head of power | 01 Local Government Act 1995 |
| Delegator | Local Government |
| Express power to delegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s.5.42 Delegation of some powers or duties to the CEO |
| Express power or duty delegated | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 6.39(2) Rate record s. 6.40 Effect of amendment of rate record |
| Function | 1. Authority to determine any requirement to amend the rate record to ensure information contained in the record is correct, including for the five (5) years preceding the current financial year [s.6.39(2)(b)]. |
| Delegates | Chief Executive Officer |
| Conditions | 1. The effective date for valuations will apply in accordance with determinations supplied by the Valuer General. |
| Express power to subdelegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s.5.44 CEO may delegate some powers and duties to other employees |
| Subdelegates | Deputy Chief Executive Officer Director Corporate Services Manager Finance |
| Subdelegate conditions | Nil |
| Statutory framework | <i>Fire and Emergency Services Act 1998</i> <i>Local Government Act 1995</i> <i>Rates and Charges (Rebates and Deferrals) Act 1992</i> <i>Valuation of Land Act 1978</i> |
| Policy | Nil |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |

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| Date adopted | 8 September 2020 – Ordinary Council Meeting |
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| 13 June 2023 | Council annual review | No change | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 01.01.20 Rate Record – Objections |
| Category | 01.01 Council to Chief Executive Officer |
| Head of power | 01 Local Government Act 1995 |
| Delegator | Local Government |
| Express power to delegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 5.42 Delegation of some powers or duties to the CEO |
| Express power or duty delegated | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 6.76 Grounds of objection |
| Function | <ol style="list-style-type: none"> Authority to extend the time for a person to make an objection to a rate record [s. 6.76 (4)]. 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)]. |
| Delegates | Chief Executive Officer |
| Conditions | <ol style="list-style-type: none"> A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination under this Delegation. |
| Express power to subdelegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s.5.44 CEO may delegate some powers and duties to other employees |
| Subdelegates | Deputy Chief Executive Officer Director Corporate Services Manager Finance |
| Subdelegate conditions | Nil |
| Statutory framework | <i>Fire and Emergency Services Act 1998</i> <i>Local Government Act 1995</i> <i>Rates and Charges (Rebates and Deferments) Act 1992</i> <i>Valuation of Land Act 1978</i> |
| Policy | Nil |

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| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
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| 13 June 2023 | Council annual review | No change | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 01.01.21 Agreement as to Payment of Rates and Service Charges |
| Category | 01.01 Council to Chief Executive Officer |
| Head of power | 01 Local Government Act 1995 |
| Delegator | Local Government |
| Express power to delegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s.5.42 Delegation of some powers or duties to the CEO |
| Express power or duty delegated | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 6.49 Agreement as to payment of rates and service charges |
| Function | 1. Authority to make an agreement with a person for the payment of rates or service charges [s. 6.49]. |
| Delegates | Chief Executive Officer |
| Conditions | 1. 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 subdelegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 5.44 CEO may delegate some powers and duties to other employees |
| Subdelegates | Deputy Chief Executive Officer Director Corporate Services Manager Finance |
| Subdelegate conditions | Nil |
| Statutory framework | <i>Fire and Emergency Services Act 1998</i> <i>Local Government Act 1995</i> <i>Rates and Charges (Rebates and Deferments) Act 1992</i> <i>Valuation of Land Act 1978</i> |
| Policy | Nil |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
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| 13 June 2023 | Council annual review | No change | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 01.01.22 Determine Due Date for Rates or Service Charges |
| Category | 01.01 Council to Chief Executive Officer |
| Head of power | 01 Local Government Act 1995 |
| Delegator | Local Government |
| Express power to delegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 5.42 Delegation of some powers or duties to the CEO |
| Express power or duty delegated | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 6.50 Rates or service charges due and payable |
| Function | 1. Authority to determine the dates on which rates or service charges become due and payable to the Shire [s. 6.50]. |
| Delegates | Chief Executive Officer |
| Conditions | Nil |
| Express power to subdelegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 5.44 CEO may delegate some powers and duties to other employees |
| Subdelegates | Deputy Chief Executive Officer Director Corporate Services Manager Finance |
| Subdelegate conditions | Nil |
| Statutory framework | <i>Fire and Emergency Services Act 1998</i> <i>Local Government Act 1995</i> <i>Rates and Charges (Rebates and Deferments) Act 1992</i> <i>Valuation of Land Act 1978</i> |
| Policy | Nil |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
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| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 01.01.23 Recovery of Rates or Service Charges |
| Category | 01.01 Council to Chief Executive Officer |
| Head of power | 01 Local Government Act 1995 |
| Delegator | Local Government |
| Express power to delegate | <i>Local Government Act 1995</i> |
| Express power or duty delegated | <p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • s. 6.56 Rates or service charges recoverable in court • s. 6.64(3) Actions to be taken |
| Function | <ol style="list-style-type: none"> 1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [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 the land is in arrears [s. 6.64(3)]. |
| Delegates | Chief Executive Officer |
| Conditions | Recovery action undertaken is to be in accordance with Council Policy, as applicable. |
| Express power to subdelegate | <p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • s. 5.44 CEO may delegate some powers and duties to other employees |
| Subdelegates | Deputy Chief Executive Officer Director Corporate Services Manager Finance |
| Subdelegate conditions | Nil |
| Statutory framework | <i>Fire and Emergency Services Act 1998</i> <i>Local Government Act 1995</i> <i>Rates and Charges (Rebates and Deferments) Act 1992</i> <i>Valuation of Land Act 1978</i> |
| Policy | Council Policy - Debt Recovery |
| Record keeping | <ol style="list-style-type: none"> 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>. |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption reference | Council Decision – 139/2020 |

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| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | Amended delegation | CEO review - amended list of sub-delegates | Record number 2348418 |
| 13 June 2023 | Council annual review | Policy reference updated | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 01.01.24 Recovery of Rates Debts - Require Lessee to Pay Rent |
| Category | 01.01 Council to Chief Executive Officer |
| Head of power | 01 Local Government Act 1995 |
| Delegator | Local Government |
| Express power to delegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 5.42 Delegation of some powers or duties to the CEO |
| Express power or duty delegated | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 6.60(2), s. 6.60(3) and s. 6.60(4) Local Government may require lessee to pay rent |
| Function | <ol style="list-style-type: none"> 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 [s. 6.60(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)]. |
| Delegates | Chief Executive Officer |
| Conditions | <ol style="list-style-type: none"> Recovery action undertaken is to be in accordance with Council policy, as applicable. |
| Express power to subdelegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 5.44 CEO may delegate some powers and duties to other employees |
| Subdelegates | Deputy Chief Executive Officer Director Corporate Services Manager Finance |
| Subdelegate conditions | Nil |
| Statutory framework | <i>Fire and Emergency Services Act 1998 Local Government Act 1995 Rates and Charges (Rebates and Deferments) Act 1992 Valuation of Land Act 1978</i> |
| Policy | Council Policy – Debt Recovery |
| Record keeping | <ol style="list-style-type: none"> Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegation in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>. |
| Date adopted | 12 April 2022 – Ordinary Council Meeting |
| Adoption references | Council Decision – 039/2022 |

| Amendment and Review Table | | | |
|-----------------------------------|-----------------------|--|-----------------------|
| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | Amended delegation | CEO review - amended list of sub-delegates | Record number 2348418 |
| 13 June 2023 | Council annual review | Policy reference updated | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 01.01.25 Recovery of Rates Debts – Actions to Take Possession of the Land |
| Category | 01.01 Council to Chief Executive Officer |
| Head of power | 01 Local Government Act 1995 |
| Delegator | Local Government |
| Express power to delegate | <p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • s. 5.42 Delegation of some powers or duties to the CEO • s. 5.43 Limitations on delegations to the CEO |
| Express power or duty delegated | <p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • s. 6.64(1) Actions to be taken • s. 6.69(2) Right to pay rates, service charges and costs, and stay proceedings • s. 6.71 Power to transfer land to Crown or local government • s. 6.74 Power to have land revested in Crown if rates in arrears 3 years |
| Function | <ol style="list-style-type: none"> 1. Authority to take possession of land and hold the land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three (3) years [s. 6.64(1)], including: <ol style="list-style-type: none"> a. lease the land, or b. sell the land; or where land is offered for sale and a contract of sale has not been entered into after twelve (12) months: <ol style="list-style-type: none"> i. cause the land to be transferred to the Crown [s. 6.71 and s. 6.74]; ii. cause the land to be transferred to the Shire of Ashburton [s. 6.71]. 2. Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, service charges and costs within seven (7) days of, and prior to, the proposed sale [s. 6.69(2)]. |
| Delegates | Chief Executive Officer |

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| Conditions | 1. This Delegation cannot be used where a decision relates to exercising a power of sale without having, within the previous three (3) years, attempted to recover the outstanding rates / charges through a court of competent jurisdiction. |
| Express power to subdelegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 5.44 CEO may delegate some powers and duties to other employees |
| Subdelegates | Deputy Chief Executive Officer Director Corporate Services |
| Subdelegate conditions | Nil |
| Statutory framework | <i>Fire and Emergency Services Act 1998</i> <i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i> <i>Rates and Charges (Rebates and Deferments) Act 1992</i> <i>Valuation of Land Act 1978</i> |
| Policy | Council Policy – Debt Recovery |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the Local Government (Administration) Regulations 1996. |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption references | Council Decision – 139/2020 |

| Amendment and Review Table | | | |
|-----------------------------------|-----------------------|--|-----------------------|
| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | Amended delegation | CEO review - amended list of sub-delegates | Record number 2348418 |
| 13 June 2023 | Council annual review | Policy reference updated | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 01.01.26 Notices Requiring Things to be done by Owner or Occupier of Land and Additional Powers when Notice is given, Undertake Works on Land which is not Local Government Property and Powers of Entry |
| Category | 01.01 Council to Chief Executive Officer |
| Head of power | 01 Local Government Act 1995 |
| Delegator | Local Government |
| Express power to delegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 5.42 Delegation of some powers or duties to the CEO |
| Express power or duty delegated | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 3.25(1) Notices requiring certain things to be done by owner or occupier of land s. 3.26(2) and s. 3.26(3) Additional powers when notices given s. 3.27(1) Particular things local governments can do on land which is not local government property |
| Function | 1. Authority to give a person who is the owner or, where applicable, the occupier of land, notice in writing relating to the land requiring the person to do anything specified in the notice, which is prescribed OR is for the purpose of remedying or mitigating the impacts of any offence against the <i>Local Government Act 1995</i> . |
| Delegates | Chief Executive Officer |
| Conditions | Nil |
| Express power to subdelegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 5.44 CEO may delegate some powers and duties to other employees |
| Subdelegates | Deputy Chief Executive Officer Director Infrastructure Services |
| Subdelegate conditions | Nil |
| Statutory framework | <i>Local Government Act 1995</i> <i>Local Government (Uniform Local Provisions) Regulations 1996</i> |

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| Policy | Nil |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
| Date adopted | 12 April 2022 – Ordinary Council Meeting |
| Adoption references | Council Decision – 039/2022 |

| Amendment and Review Table | | | |
|-----------------------------------|-----------------------|--|-----------------------|
| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | Amended delegation | CEO review - amended list of sub-delegates | Record number 2348418 |
| 13 June 2023 | Council annual review | No change | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 01.01.27 Appointment of an Acting Chief Executive Officer |
| Category | 01.01 Council to Chief Executive Officer |
| Head of power | 01 Local Government Act 1995 |
| Delegator | Local Government |
| Express power to delegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 5.42 Delegation of some powers or duties to the CEO |
| Express power or duty delegated | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 5.36(1)(a) CEO of the local government |
| Function | 1. Authority to appoint a Director to the position of Acting Chief Executive Officer for periods of absence by the Chief Executive Officer of no longer than thirty (30) days [s. 5.36(1)(a)]. |
| Delegates | Chief Executive Officer |
| Conditions | Nil |
| Express power to subdelegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 5.44 CEO may delegate some powers and duties to other employees |
| Statutory framework | <i>Local Government Act 1995</i> |
| Policy | Council Policy – Senior Employees and Acting Chief Executive Officer |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
| Date adopted | 12 April 2022 – Ordinary Council Meeting |
| Adoption reference | Council Decision – 039/2022 |

| Amendment and Review Table | | | |
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| Date | Review Type | Amendment Details | References |
| 10 January 2023 | Amended delegation | CEO review - policy reference included | Record number 2348418 |
| 13 June 2023 | Council annual review | No change | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 01.01.28 Authority to Approve Small Assistance Donations |
| Category | 01.01 Council to Chief Executive Officer |
| Head of power | 01 Local Government Act 1995 |
| Delegator | Local Government |
| Express power to delegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s.5.42 Delegation of some powers or duties to the CEO |
| Express power or duty delegated | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s.6.12 Power to defer, grant discounts, waive or write off debts. |
| Function | 1. Authority to approve Small Assistance Donations that comply with the associated Council Policy. |
| Delegates | Chief Executive Officer |
| Conditions | Funding is to be available in the current budget. |
| Express power to subdelegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 5.44 CEO may delegate some powers and duties to other employees |
| Subdelegates | Director Community Development |
| Subdelegate conditions | Conditions imposed on the delegate also apply to the sub delegates. |
| Statutory framework | <i>Local Government Act 1995</i> |
| Policy | Council Policy – Community Donations, Grants and Funding |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the Local Government (Administration) Regulations 1996. |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption reference | Council Decision – 139/2020 |

| Amendment and Review Table | | | |
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| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | Amended delegation | CEO review - policy reference included | Record number 2348418 |
| 13 June 2023 | Council annual review | Title of delegation updated. Function and policy reference updated. Conditions aligned | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 01.01.29 Power to Appoint Persons to Receive and Withdraw Complaints |
| Category | 01.01 Council to Chief Executive Officer |
| Head of power | 01 Local Government Act 1995 |
| Delegator | Local Government |
| Express power to delegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s.5.42 Delegation of some powers or duties to the CEO |
| Express power or duty delegated | <i>Local Government (Model Code of Conduct) Regulations 2021</i> <ul style="list-style-type: none"> r 11(3) authorise 1 or more persons to receive complaints and withdrawals of complaints alleging a breach of a requirements set out in Division 3 of the regulations. |
| Function | 1. Authorise in writing, 1 or more persons to receive complaints and withdrawals of complaints. |
| Delegate | Chief Executive Officer |
| Conditions | Nil |
| Express power to subdelegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 5.44 CEO may delegate some powers and duties to other employees |
| Subdelegates | Nil |
| Subdelegate conditions | Nil |
| Statutory framework | <i>Local Government Act 1995</i> |
| Policy | Nil |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
| Date adopted | 16 February 2021 – Ordinary Council Meeting |
| Initial adoption reference | Council Decision – 16/2021 |

| Amendment and Review Table | | | |
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| Date | Review Type | Amendment Details | References |
| 13 June 2023 | Council annual review | No change | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 01.02.02 Infringement Notices |
| Category | 01.02 Chief Executive Officer to Shire Employees |
| Head of power | 01 Local Government Act 1995 |
| Delegator | Chief Executive Officer |
| Express power to delegate | <p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> s. 5.44 CEO may delegate some powers and duties to other employees |
| Express power or duty delegated | <p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> s. 9.13(6)(b) Onus of proof in vehicle offences may be shifted s. 9.19 Extension of Time s. 9.20 Withdrawal of Notice |
| Function | <ol style="list-style-type: none"> Authority to consider an owner of a vehicle's submission, the vehicle which is subject of an infringement notice, had been stolen or unlawfully taken at the time of the alleged offence [s. 9.13(6)(b)]. Authority to extend the twenty-eight (28) day period within which payment of a modified penalty may be paid, whether or not the period of twenty-eight (28) days has elapsed [s. 9.19]. Authority to withdraw an infringement notice within one (1) year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s. 9.20]. |
| Delegates | Deputy Chief Executive Officer Executive Manager Land, Property and Regulatory Services Manager Regulatory Services |
| Conditions | <ol style="list-style-type: none"> A delegate who participated in a decision to issue an infringement notice must not determine any matter related to the infringement notice. |
| Express power to subdelegate | Nil |
| Statutory framework | <p><i>Local Government Act 1995;</i> <i>Caravan Parks and Camping Grounds Act 1995;</i> <i>Cat Act 2011;</i> <i>Cemeteries Act 1986;</i> <i>Control of Vehicles (Off-road Areas) Act 1978;</i> <i>Dog Act 1976;</i> <i>Litter Act 1979; and</i> <i>all related subsidiary legislation</i></p> |

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| Policy | Nil |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
| Date adopted | 12 April 2022 – Ordinary Council Meeting |
| Adoption reference | Council Decision – 039/2022 |

| Amendment and Review Table | | | |
|-----------------------------------|--------------------|--|-----------------------|
| Date | Review Type | Amendment Details | References |
| 21 December 2022 | Amended delegation | CEO review - amended list of sub-delegates | Record number 2348418 |
| 21 December 2023 | CEO annual review | Amended list of sub-delegates and legislation references updated | Record number 2451054 |
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| Delegation | 01.02.03 Acknowledge Receipt of Primary and Annual Returns |
| Category | 01.02 Chief Executive Officer to Shire Employees |
| Head of power | 01 Local Government Act 1995 |
| Delegator | Chief Executive Officer |
| Express power to delegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 5.44 CEO may delegate some powers and duties to other employees |
| Express power or duty delegated | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s.5.77 Acknowledging receipt of returns |
| Function | 1. On receipt of a return under section 5.75 or 5.76 from a person, give the person a written acknowledgement of having received the return. |
| Conditions | This delegation excludes giving an acknowledgment of a return under section 5.75 or 5.76 from the Chief Executive Officer, the acknowledgement is to be signed by the President (s.5.77). |
| Delegates | Deputy Chief Executive Officer |
| Delegate Conditions | Nil |
| Express power to subdelegate | Nil |
| Statutory framework | <i>Local Government Act 1995</i> |
| Policy | Nil |
| Record keeping | 1. Each instance of this sub delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the Local Government (Administration) Regulations 1996. |
| Date adopted | 21 December 2023 – Chief Executive Officer |
| Adoption reference | Record number – 2451054 |

| Amendment and Review Table | | | |
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| Date | Review Type | Amendment Details | References |
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| Delegation | 01.02.04 Appoint – Authorised Persons and Officers |
| Category | 01.02 Chief Executive Officer to Shire Employees |
| Head of power | 01 Local Government Act 1995 |
| Delegator | Chief Executive Officer |
| Express power to delegate | Local Government Act 1995 <ul style="list-style-type: none"> • s.5.44 CEO may delegate powers and duties to other employees |
| Express power or duty delegated | <p><i>Section 9.10(2) – Appointment of Authorised Persons for the purposes of the:</i></p> <p><i>(a) Local Government Act 1995</i></p> <p><i>(b) Caravan Parks and Camping Grounds Act 1995;</i></p> <p><i>(c) Cat Act 2011;</i></p> <p><i>(d) Cemeteries Act 1986;</i></p> <p><i>(e) Control of Vehicles (Off-road Areas) Act 1978;</i></p> <p><i>(f) Dog Act 1976;</i></p> <p><i>(g) subsidiary legislation made under an Act referred to in any of paragraphs (a) to (f);</i></p> <p><i>(h) a written law prescribed for the purposes of this section;</i></p> <p><i>specified means specified in the instrument of appointment.</i></p> |
| Function | <p>To appoint in writing specified employees (persons) or classes of persons to be authorised persons for the purposes of 1 or more specified laws or specified provisions of 1 or more specified laws to support legislative functions and effective law and order in the district.</p> <p>Any appointment made may be made subject to any specified conditions or limitations.</p> |
| Delegate | Deputy Chief Executive Officer |
| Conditions | Nil |
| Express power to subdelegate | s. 5.44 <i>Local Government Act 1995</i> |
| Statutory framework | <i>Local Government Act 1995</i> |
| Policy | Nil |
| Record keeping | <ol style="list-style-type: none"> 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>. 2. A record of each appointment is to be retained in the Authorised Persons Register and retained as a Local Government Record. 3. Instruments or Certificates of Authorisation are to be provided to each Authorised Person, and copies of these documents are to be retained in the assigned records management system. |

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| | 4. Identity cards are to be provided to each authorised person appointed in accordance with s9.10 (4) of the Act |
| Date adopted | 21 December 2023 – Chief Executive Officer |
| Adoption reference | Record Number – 2451054 |

| Amendment and Review Table | | | |
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| Delegation | 02.01.01 Grant a Building Permit |
| Category | 02.01 Council to Chief Executive Officer |
| Head of power | 02 Building Act 2011 |
| Delegator | Local Government |
| Express power to delegate | <p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> • s. 127(1) and s. 127(3) Delegation: special permit authorities and local government |
| Express power or duty delegated | <p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> • s. 18 Further Information • s. 20 Grant of building permit • s. 22 Further grounds for not granting an application • s. 27(1) and s. 27(3) Impose Conditions on Permit Building Regulations 2012 • r. 23 Application to extend time during which permit has effect (s.32) • r. 24 Extension of time during which permit has effect (s. 32(3)) • r. 26 Approval of new responsible person (s. 35(c)) |
| Function | <ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s. 18(1)]. 2. Authority to grant or refuse to grant a building permit [s. 20(1) and s. 20(2) and s. 22]. 3. Authority to impose, vary or revoke conditions on a building permit [s. 27(1) and s. 27 (3)]. 4. Authority to determine an application to extend time during which a building permit has effect [r. 23], subject to being satisfied work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r. 24(1)]. 5. Authority to impose any condition on the building permit extension which could have been imposed under s. 27 [r. 24(2)]. 6. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r. 26]. |
| Delegates | Chief Executive Officer |

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| Conditions | Nil |
| Express power to subdelegate | <i>Building Act 2011</i> <ul style="list-style-type: none"> s. 127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO) |
| Subdelegates | Deputy Chief Executive Officer Executive Manager Land, Property and Regulatory Services Manager Regulatory Services |
| Subdelegate conditions | Nil |
| Statutory framework | <i>Building Act 2011</i> <i>Building Code of Australia</i> <i>Building Regulations 2012</i> <i>Building Services (Registration Act) 2011</i> <i>Caravan Parks and Camping Grounds Act 1995</i> <i>Caravan Parks and Camping Grounds Regulations 1997</i> <i>Home Building Contracts Act 1991</i> Home Building Contracts Act 1991 Building and Construction Industry Training Levy Act 1990 <i>Heritage Act 2018</i> |
| Policy | Nil |
| Record keeping | 1. Each instance of this delegation being exercised. <ol style="list-style-type: none"> is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>; and pursuant to s.130 of the <i>Building Act 2011</i>. |
| Date adopted | 8 September 2020 – Ordinary Council meeting |
| Adoption reference | Council Decision – 139/2020 |

| Amendment and Review Table | | | |
|-----------------------------------|-----------------------|---|-----------------------|
| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | Amended delegation | CEO review - amended list of sub-delegates | Record number 2348418 |
| 13 June 2023 | Council annual review | Updated statutory references and recordkeeping requirements | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 02.01.02 Grant a Demolition Permit |
| Category | 02.01 Council to Chief Executive Officer |
| Head of power | 01 Local Government Act 1995 |
| Delegator | Local Government |
| Express power to delegate | <p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> • s. 127(1) and s. 127(3) Delegation: special permit authorities and local government |
| Express power or duty delegated | <p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> • s. 18 Further Information • s. 21 Grant of demolition permits. • s.22 Further grounds for not granting an application • s. 27(1) and s. 27(3) Impose Conditions on Permit Building Regulations 2012 • r. 23 Application to extend time during which permit has effect (s.32) • r. 24 Extension of time during which permit has effect (s. 32(3)) • r. 26 Approval of new responsible person (s. 35(c)) |
| Function | <ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s. 18(1)]. 2. Authority to grant or refuse to grant a demolition permit on the basis all s. 21(1) requirements have been satisfied [s. 20(1) and s. 20(2) and s.22]. 3. Authority to impose, vary or revoke conditions on a demolition permit [s. 27(1) and s. 27 (3)]. 4. Authority to determine an application to extend time during which a demolition permit has effect [r. 23], subject to being satisfied 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)]. 5. Authority to impose any condition on the demolition permit extension which could have been imposed under s. 27 [r. 24(2)]. 6. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r. 26]. |
| Delegates | Chief Executive Officer |

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| Conditions | Nil |
| Express power to subdelegate | <i>Building Act 2011</i> <ul style="list-style-type: none"> s. 127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO) |
| Subdelegates | Deputy Chief Executive Officer Executive Manager Land, Property and Regulatory Services Manager Regulatory Services |
| Subdelegate conditions | Nil |
| Statutory framework | <i>Building Act 2011</i> <i>Building Code of Australia</i> <i>Building Regulations 2012</i> <i>Building Services (Registration Act) 2011</i> <i>Building Services (Complaint Resolution and Administration) Act 2011</i> <i>Building and Construction Industry Raining Levy Act 1990</i> <i>Caravan Parks and Camping Grounds Act 1995</i> <i>Caravan Parks and Camping Grounds Regulations 1997</i> <i>Home Building Contracts Act 1991</i> <i>Heritage Act 2018</i> |
| Policy | Nil |
| Record keeping | <ol style="list-style-type: none"> Each instance of this delegation being exercised. <ol style="list-style-type: none"> is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>; and pursuant to s.130 of the <i>Building Act 2011</i>. |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption reference | Council Decision – 139/2020 |

| Amendment and Review Table | | | |
|-----------------------------------|-----------------------|---|-----------------------|
| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | Amended delegation | CEO review - amended list of sub-delegates | Record number 2348418 |
| 13 June 2023 | Council annual review | Updated statutory references and recordkeeping requirements | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 02.01.03 Occupancy Permits or Building Approval Certificates |
| Category | 02.01 Council to Chief Executive Officer |
| Head of power | 02 Building Act 2011 |
| Delegator | Local Government |
| Express power to delegate | <p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> s. 127(1) and s. 127(3) Delegations: special permit authorities and local government |
| Express power or duty delegated | <p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> s. 55 Further information s. 58 Grant of occupancy permit, building approval certificate s. 60 Notice of decision not to grant occupancy permit or grant building approval certificate s. 62(1) and s. 62(3) Conditions imposed by permit authority s. 65(4) Extension of period of duration <i>Building Regulations 2012</i> r. 40 Extension of period of duration of time limited occupancy permit or building approval certificate (s. 65) |
| Function | <ol style="list-style-type: none"> Authority to require an applicant to provide any documentation or information required in order to determine an application [s. 55]. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s. 58]. Authority to impose, add, vary or revoke conditions on an occupancy permit [s. 62(1) and s. 62(3)]. 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]. |
| Delegates | Chief Executive Officer |
| Conditions | Nil |
| Express power to subdelegate | <p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> s. 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |
| Subdelegates | Deputy Chief Executive Officer Executive Manager Land, Property and Regulatory Services Manager Regulatory Services |
| Subdelegate conditions | Nil |

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| Statutory framework | <i>Building Act 2011</i> <i>Building and Construction Industry Training Levy Act 1990</i> <i>Building Services (Complaint Resolution and Administration) Act 2011</i> |
| Policy | Nil |
| Record keeping | 1. Each instance of this delegation being exercised. (a) is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> ; and (b) pursuant to s.130 of the <i>Building Act 2011</i> . |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption reference | Council Decision – 139/2020 |

| Amendment and Review Table | | | |
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| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | Amended delegation | CEO review - amended list of sub-delegates | Record number 2348418 |
| 13 June 2023 | Council annual review | Updated statutory references and recordkeeping requirements | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 02.01.04 Designate Employees as Authorised Persons |
| Category | 02.01 Council to Chief Executive Officer |
| Head of power | 02 Building Act 2011 |
| Delegator | Local Government |
| Express power to delegate | <i>Building Act 2011</i> <ul style="list-style-type: none"> s. 127(1), s. 127(3) and s. 127(6A) Delegation: special permit authorities and local government |
| Express power or duty delegated | <i>Building Act 2011</i> <ul style="list-style-type: none"> s. 96(3) Authorised persons s. 99(3) Limitation on powers of authorised person |
| Function | <ol style="list-style-type: none"> Authority to designate an employee as an authorised person [s. 96(3)]. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers which may be exercised by the person [s. 99(3)]. |
| Delegates | Chief Executive Officer |
| Conditions | <ol style="list-style-type: none"> Decisions under this delegated authority should be in accordance with r. 5 of the <i>Building Regulations 2012</i>. Only employees appointed under s. 9.10 of the <i>Local Government Act 1995</i> and authorised for the purpose of performing functions under s. 9.16 of the <i>Local Government Act 1995</i> may be appointed as Authorised Officers for the purposes of r. 70(2) of the <i>Building Regulations 2012</i>. |
| Express power to subdelegate | <i>Building Act 2011</i> <ul style="list-style-type: none"> s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO) |
| Subdelegates | Deputy Chief Executive Officer Executive Manager Land, Property and Regulatory Services |
| Subdelegate conditions | Nil |
| Statutory framework | <i>Building Act 2011</i> <i>Building Regulations 2012</i> |
| Policy | Nil |

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| Record keeping | <ol style="list-style-type: none"> 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the Local Government (Administration) Regulations 1996. 2. A record of each Authorisation is to be retained in the Authorised Persons Register and retained as a Local Government Record. 3. Instruments or Certificates of Authorisation are to be provided to Authorised Persons, and copies of these documents are to be retained in the assigned records management system. |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption reference | Council Decision – 139/2020 |

| Amendment and Review Table | | | |
|-----------------------------------|-----------------------|-------------------------------------|-----------------------|
| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | Amended delegation | CEO review - included sub-delegates | Record number 2348418 |
| 13 June 2023 | Council annual review | No change | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 02.01.05 Building Orders |
| Category | 02.01 Council to Chief Executive Officer |
| Head of power | 02 Building Act 2011 |
| Delegator | Local Government |
| Express power to delegate | <p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> • s.127(1) s. 127(3) Delegation: special permit authorities and local government |
| Express power or duty delegated | <p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> • s. 110(1) A permit authority may make a building order • s. 111(1) Notice of proposed building order other than building order (emergency) • s. 117(1) and s. 117(2) A permit authority may revoke a building order or notify that it remains in effect • s. 118(2) and s. 118(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 |
| Function | <ol style="list-style-type: none"> 1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> a. Building work b. Demolition work c. An existing building or incidental structure [s. 110(1)]. 2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s. 111(1)(c)]. 3. Authority to revoke a building order [s. 117]. 4. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> a. take any action specified in the order; or b. commence or complete any work specified in the order; or c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s. 118(2)]. 5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s. 118(3)]. 6. Authority to initiate a prosecution pursuant to s. 133(1) for non-compliance with a building order made pursuant to s. 110 of the <i>Building Act 2011</i>. |

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| Delegates | Chief Executive Officer |
| Conditions | Nil |
| Express power to subdelegate | <i>Building Act 2011</i> <ul style="list-style-type: none"> s. 127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO) |
| Subdelegates | Deputy Chief Executive Officer Executive Manager Land, Property and Regulatory Services Manager Regulatory Services |
| Subdelegate conditions | Nil |
| Statutory framework | <i>Building Act 2011</i> |
| Policy | Nil |
| Record keeping | 1. Each instance of this delegation being exercised <ul style="list-style-type: none"> (a) is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>; and (b) pursuant to s.130 of the <i>Building Act 2011</i>. |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption references | Council Decision – 139/2020 |

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| 10 January 2023 | Amended delegation | CEO review - included sub-delegates | Record number 2348418 |
| 13 June 2023 | Council annual review | Updated recordkeeping requirements | OCM 102/2023 |
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| Delegation | 02.01.06 Inspection and Copies of Building Records |
| Category | 02.01 Council to Chief Executive Officer |
| Head of power | 02 Building Act 2011 |
| Delegator | Local Government |
| Express power to delegate | <i>Building Act 2011</i> <ul style="list-style-type: none"> s. 127(1) and s. 127(3) Delegation: special permit authorities and local government |
| Express power or duty delegated | <i>Building Act 2011</i> <ul style="list-style-type: none"> s. 131(2) Inspection, copies of building records |
| Function | 1. Authority to determine an application from an interested person to inspect and copy a building record [s. 131(2)]. |
| Delegates | Chief Executive Officer |
| Conditions | Nil |
| Express power to subdelegate | <i>Building Act 2011</i> <ul style="list-style-type: none"> s. 127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO) |
| Subdelegates | Deputy Chief Executive Officer Executive Manager Land, Property and Regulatory Services Manager Regulatory Services |
| Subdelegate conditions | Nil |
| Statutory framework | <i>Building Act 2011</i> <i>Freedom of Information Act 1992</i> <i>State Records Act 2000</i> |
| Policy | Nil |
| Record keeping | 1. Each instance of this delegation being exercised: <ul style="list-style-type: none"> (a) is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>; and (b) pursuant to s.130 of the <i>Building Act 2011</i>. |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption references | Council Decision – 139/2020 |

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| 13 June 2023 | Council annual review | Updated recordkeeping requirements | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 02.01.07 Referrals and Issuing Certificates |
| Category | 02.01 Council to Chief Executive Officer |
| Head of power | 02 Building Act 2011 |
| Delegator | Local Government |
| Express power to delegate | <i>Building Act 2011</i> <ul style="list-style-type: none"> s. 127(1) and s. 127(3) Delegation: special permit authorities and local government |
| Express power or duty delegated | <i>Building Act 2011</i> <ul style="list-style-type: none"> s. 145A Local Government functions |
| Function | <ol style="list-style-type: none"> Authority to refer uncertified applications under s. 17(1) to a building surveyor who is not employed by the local government [s. 145A(1)]. 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 district [s. 145A(2)]. |
| Delegates | Chief Executive Officer |
| Conditions | <ol style="list-style-type: none"> If the applicant is the Chief Executive Officer, there is no delegation. |
| Express power to subdelegate | <i>Building Act 2011</i> <ul style="list-style-type: none"> s. 127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO) |
| Subdelegates | Deputy Chief Executive Officer Executive Manager Land, Property and Regulatory Services Manager Regulatory Services |
| Subdelegate conditions | <ol style="list-style-type: none"> Decisions under this delegated authority must be in accordance with r. 5 of the <i>Building Regulations 2012</i>. |
| Statutory framework | <i>Building Act 2011</i> <i>Building Regulations 2012</i> |
| Policy | Nil |
| Record keeping | <ol style="list-style-type: none"> Each instance of this delegation being exercised: <ol style="list-style-type: none"> is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>; and pursuant to s.130 of the <i>Building Act 2011</i>. |

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| Adoption references | Council Decision – 139/2020 |

| Amendment and Review Table | | | |
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| 10 January 2023 | Amended delegation | CEO review - amended list of sub-delegates | Record number 2348418 |
| 13 June 2023 | Council annual review | Updated recordkeeping requirements | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 02.01.08 Private Pool Barrier – Alternative and Performance Solutions |
| Category | 02.01 Council to Chief Executive Officer |
| Head of power | 02 Building Act 2011 |
| Delegator | Local Government |
| Express power to delegate | <i>Building Act 2011</i> <ul style="list-style-type: none"> s. 127(1) s. 127(3) Delegation: special permit authorities and local government |
| Express power or duty delegated | <i>Building Regulations 2012</i> <ul style="list-style-type: none"> r. 51 Approvals by permit authority |
| Function | <ol style="list-style-type: none"> Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied the alternative requirements will restrict access by young children as effectively as if they were compliant with AS 1926.1 [r. 51(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)]. Authority to approve alternative solutions to a Building Code approved pool barrier requirement if satisfied the performance solution complies with the relevant performance requirements [r. 51(5)]. |
| Delegates | Chief Executive Officer |
| Conditions | Nil |
| Express power to subdelegate | <i>Building Act 2011</i> <ul style="list-style-type: none"> s. 127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO) |
| Subdelegates | Deputy Chief Executive Officer Executive Manager Land, Property and Regulatory Services Manager Regulatory Services |
| Subdelegate conditions | Nil |

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| Statutory framework | <i>Building Act 2011</i> <i>Building Regulations 2012</i> |
| Policy | Nil |
| Record keeping | 1. Each instance of this delegation being exercised: (a) is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> ; and (b) pursuant to s.130 of the <i>Building Act 2011</i> . |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
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| Amendment and Review Table | | | |
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| 10 January 2023 | Amended delegation | CEO review - included sub-delegates | Record number 2348418 |
| 13 June 2023 | Council annual review | Updated recordkeeping requirements | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 02.01.09 Smoke Alarms - Alternative Solutions |
| Category | 02.01 Council to Chief Executive Officer |
| Head of power | 02 Building Act 2011 |
| Delegator | Local Government |
| Express power to delegate | <i>Building Act 2011</i> <ul style="list-style-type: none"> s. 127(1) and s. 127(3) Delegation: special permit authorities and local government |
| Express power or duty delegated | <i>Building Regulations 2012</i> <ul style="list-style-type: none"> r. 55 Terms Used (alternative building solution approval) r. 61 Local Government approval of battery powered smoke alarms |
| Function | <ol style="list-style-type: none"> Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r. 55]. 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]. |
| Delegates | Chief Executive Officer |
| Conditions | Nil |
| Express power to subdelegate | <i>Building Act 2011</i> <ul style="list-style-type: none"> s. 127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO) |
| Subdelegates | Deputy Chief Executive Officer Executive Manager Land, Property and Regulatory Services Manager Regulatory Services |
| Subdelegate conditions | Nil |
| Statutory framework | <i>Building Act 2011</i> <i>Building Regulations 2012</i> |
| Policy | Nil |
| Record keeping | <ol style="list-style-type: none"> Each instance of this delegation being exercised: <ol style="list-style-type: none"> is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>; and pursuant to s.130 of the <i>Building Act 2011</i>. |

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| 12 April 2022 | Council annual review | Nil | 039/2022 |
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| 13 June 2023 | Council annual review | Updated recordkeeping requirements | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 03.01.01 Make Request to Fire and Emergency Services Commissioner – Control of Fire |
| Category | 03.01 Council to Chief Executive Officer |
| Head of power | 03 Bush Fires Act 1954 |
| Delegator | Local Government |
| Express power to delegate | <i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> s. 48 Delegation by local government |
| Express power or duty delegated | <i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> s. 13(4) Duties and powers of bush fire liaison officers |
| Function | 1. Authority to request the Fire and Emergency Services Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s. 13(4)]. |
| Delegates | Chief Executive Officer |
| Conditions | Nil |
| Express power to subdelegate | Prohibited |
| Statutory framework | <i>Bush Fires Act 1954</i> |
| Policy | Nil |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption reference | Council Decision – 139/2020 |

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| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | Amended delegation | CEO review - amended record keeping requirements | Record number 2348418 |
| 13 June 2023 | Council annual review | No change | OCM 102/2023 |
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| Delegation | 03.01.02 Prohibited and Restricted Burning Times - Control Activities |
| Category | 02.01 Council to Chief Executive Officer |
| Head of power | 01 Local Government Act 1995 |
| Delegator | Local Government |
| Express power to delegate | <p><i>Bush Fires Act 1954</i></p> <ul style="list-style-type: none"> • s. 48 Delegation by local government |
| Express power or duty delegated | <p><i>Bush Fires Act 1954</i></p> <ul style="list-style-type: none"> • s. 17(7) Prohibited burning times may be declared by Minister • s. 18(11) Restricted burning times may be declared by Fire and Emergency Services Commissioner • s. 22(6) and s. 22(7) Burning on exempt land and land adjoining exempt land • s. 27(2) and s. 27(3) Prohibition on use of tractors or engines except under certain conditions • s. 28(4) and s. 28(5) Occupier of land to extinguish bush fire occurring on own land <p><i>Bush Fire Regulations 1954</i></p> <ul style="list-style-type: none"> • r. 15(2) Permit to burn (Act s. 18), form of and apply for after refusal etc. • r. 15C(1) and r. 15C(2) 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 |
| Function | <p><i>Control activities for restricted burning times</i></p> <ol style="list-style-type: none"> 1. 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)]. 2. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it, and the Bush Fire Brigade to cooperate in burning fire-breaks 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 s. 22(7)]. 3. Authority to determine to prohibit burning on Sundays or specified days which are public holidays in the district [r. 15C]. |

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| Function Continued... | <p><i>Control activities for prohibited and restricted burning times</i></p> <ol style="list-style-type: none"> 1. Authority to determine permits to burn during prohibited burning times which have previously been refused by a Bush Fire Control Officer [r. 15]. 2. Authority to declare the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the district during Prohibited or Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r. 38C]. 3. Authority to determine, during a Prohibited or Restricted Burning Time, if a firebreak around a landing ground for an aero plane has been satisfactorily prepared [r. 39B(2)]. 4. Issue directions, during a Prohibited or Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r. 39B(3)]. 5. Authority to prohibit the use of tractors, engines or self-propelled harvester, during Prohibited or Restricted Burning Times, and to give permission for use of same during the Prohibited or Restricted Burning Time subject to compliance with requirements specified in a notice [s. 27(2) and s. 27(3)]. 6. Authority to recover the cost of measures taken by the Shire or Bush Fire Control Officer, to extinguish a fire burning during Prohibited or Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s. 28(1) and to take all possible measures to extinguish a fire on the land they occupy [s. 28(4)], including authority to recover expenses in any court of competent jurisdiction [s. 28(5)]. |
| Delegates | Chief Executive Officer |
| Conditions | Nil |
| Express power to subdelegate | Prohibited |
| Statutory framework | <p><i>Bush Fires Act 1954</i> <i>Bush Fires Regulations 1954</i> <i>Conservation and Land Management Act 1984</i></p> |
| Policy | Nil |

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| Record keeping | Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government Administration) Regulations 1996</i> . |
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| 13 June 2023 | Council annual review | No change | OCM 102/2023 |
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| Delegation | 03.01.03 Control of Operations Likely to Create Bush Fire Danger |
| Category | 03.01 Council to Chief Executive Officer |
| Head of power | 03 Bush Fires Act 1954 |
| Delegator | Local Government |
| Express power to delegate | <i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> s. 48 Delegation by local government |
| Express power or duty delegated | <i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> s. 27D Requirements for carriage and deposit of incendiary material <i>Bush Fires Regulations 1954</i> <ul style="list-style-type: none"> r. 39C(3) Welding and cutting apparatus, use of in open air r. 39CA(5) Bee smoker devices, use of in restricted or prohibited burning times etc. r. 39D(2) Explosives, use of r. 39E(3) Fireworks, use of |
| Function | <ol style="list-style-type: none"> Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: <ol style="list-style-type: none"> 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 which is burning) [s.27D]. |
| Delegates | Chief Executive Officer |
| Conditions | Nil |
| Express power to subdelegate | Prohibited |
| Statutory framework | <i>Bush Fires Act 1954</i> <i>Bush Fires Regulations 1954</i> <i>Conservation and Land Management Act 1984</i> |

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| Policy | Nil |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
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| Delegation | 03.01.04 Burning Garden Refuse and Open-Air Fires |
| Category | 03.01 Council to Chief Executive Officer |
| Head of power | 03 Bush Fires Act 1954 |
| Delegator | Local Government |
| Express power to delegate | <p><i>Bush Fires Act 1954</i></p> <ul style="list-style-type: none"> s. 48 Delegation by local government |
| Express power or duty delegated | <p><i>Bush Fires Act 1954</i></p> <ul style="list-style-type: none"> s. 24F(2)(b)(ii) and s. 24F(4) Burning garden refuse during limited burning times s. 24G(2) Minister or local government may further restrict burning of garden refuse s. 25(1)(a), s. 25(1)(b), s. 25(1a) and s. 25(1b) No fire to be lit in open air unless certain precautions taken s. 25A(5) Power of Minister to exempt from provisions of section 25 <p><i>Bush Fires Regulations 1954</i></p> <ul style="list-style-type: none"> r. 27(3) Permit, issue of |
| Function | <ol style="list-style-type: none"> Authority to give written permission, during prohibited times and restricted times, for an incinerator located within two (2) metres of a building or fence, only where satisfied it is not likely to create a fire hazard [s. 24F(2)(b)(ii) and s.24F(4)]. Authority to prohibit or impose restrictions on the burning of garden refuse which is otherwise permitted under s. 24F [s. 24G(2)]. 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)]. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plant growing upon any land within the district [r. 34]. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of: <ol style="list-style-type: none"> camping or cooking [s. 25(1)(a)]. conversion of bush into charcoal, or for the production of lime, in consultation with an authorised <i>Conservation and Land Management Act 1984</i> officer [s. 25(1) (b)]. |

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| Function Continued.... | <p>6. Authority to prohibit the lighting of fires in the open air for the purposes of camping or cooking for such periods during the prohibited burning times as specified in a note published in the Government Gazette and newspaper circulating in the district and authority to vary such notice [s. 25(1a) and s. 25(1b)].</p> <p>7. 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 the person from lighting a fire and to determine conditions on the notice [s. 25A(5)].</p> |
| Delegates | Chief Executive Officer |
| Conditions | Nil |
| Express power to subdelegate | Prohibited |
| Statutory framework | <i>Bush Fires Act 1954</i> <i>Bush Fires Regulations 1954</i> <i>Conservation and Land Management Act 1984</i> |
| Policy | Nil |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption references | Council Decision – 139/2020 |

| Amendment and Review Table | | | |
|-----------------------------------|-----------------------|--|-----------------------|
| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | Amended delegation | CEO review - amended record keeping requirements | Record number 2348418 |
| 13 June 2023 | Council annual review | No change | OCM 102/2023 |
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| Delegation | 03.01.05 Firebreaks |
| Category | 03.01 Council to Chief Executive Officer |
| Head of power | 03 Bush Fires Act 1954 |
| Delegator | Local Government |
| Express power to delegate | <i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> s. 48 Delegation by local government |
| Express power or duty delegated | <i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> s. 33(1), s. 33(4), s. 33(5) and s. 33(6) Local government may require occupier of land to plough or clear fire-breaks |
| Function | <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> clearing of firebreaks as determined necessary and specified in the notice; and 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 as a separate or coordinated action with any other person carry out similar actions [s.33(1)]. 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)]. 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)]. Authority to carry out on the land, at the request and expense of the owner, any works for the removal or abatement of a fire danger [s. 33(6)]. |
| Delegates | Chief Executive Officer |
| Conditions | Nil |
| Express power to subdelegate | Prohibited |
| Statutory framework | <i>Bush Fires Act 1954</i> <i>Bush Fires Regulations 1954</i> |

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| Policy | Nil |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption references | Council Decision – 139/2020 |

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| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | Amended delegation | CEO review - amended record keeping requirements | Record number 2348418 |
| 13 June 2023 | Council annual review | No change | OCM 102/2023 |
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| Delegation | 03.01.06 Appoint Bush Fire Control Officers |
| Category | 03.01 Council to Chief Executive Officer |
| Head of power | 03 Bush Fires Act 1954 |
| Delegator | Local Government |
| Express power to delegate | <i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> s. 48 Delegation by local government |
| Express power or duty delegated | <i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> s. 38(1), s. 38(5A), s. 38(8), s. 38(10) and s. 38(14) Local Government may appoint bush fire control officer |
| Function | <ol style="list-style-type: none"> Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and <ol style="list-style-type: none"> of those Officers, appoint one as the Chief Bush Fire Control Officer and one as the 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 [s. 38(5A)]. Authority to appoint a Fire Weather Officer, selected from 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 s. 38(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)]. |
| Delegates | Chief Executive Officer |
| Conditions | <ol style="list-style-type: none"> An appointment made under s. 38(1) shall cause a local public notice to be published [s. 38(2A)]. Records of names, addresses and usual occupations are to be maintained for all Bush Fire Control Officers appointed [s. 50(1)(b)]. |
| Express power to subdelegate | Prohibited |

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| Statutory framework | <i>Bush Fires Act 1954</i> <i>Bush Fires Regulations 1954</i> |
| Policy | Nil |
| Record keeping | <ol style="list-style-type: none"> 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the Local Government (Administration) Regulations 1996. 2. A record of each Authorisation is to be retained in the Authorised Persons Register and retained as a Local Government Record. 3. Instruments or Certificates of Authorisation are to be provided to Authorised Persons, and copies of these documents are to be retained in the assigned records management system. |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption references | Council Decision – 139/2020 |

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| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 13 June 2023 | Council annual review | No change | OCM 102/2023 |
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| Delegation | 03.01.07 Control and Extinguishment of Bush Fires |
| Category | 03.01 Council to Chief Executive Officer |
| Head of power | 03 Bush Fires Act 1954 |
| Delegator | Local Government |
| Express power to delegate | <i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> s. 48 Delegation by local government |
| Express power or duty delegated | <i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> s. 46(1A) Bush fire control officer or forest officer may postpone lighting fire |
| Function | <p>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)].</p> <p>Where it is proposed the fire will be lit on land within three (3) kilometres of the boundary of forest land, and an authorised Conservation and Land Management Act 1984 officer is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger then the Delegate may make the decision [s. 46(1B)].</p> |
| Delegates | Chief Executive Officer |
| Conditions | Nil |
| Express power to subdelegate | Prohibited |
| Statutory framework | <i>Bush Fires Act 1954</i> <i>Bush Fires Regulations 1954</i> <i>Conservation and Land Management Act 1984</i> |
| Policy | Nil |
| Record keeping | <p>1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>.</p> |
| Date adopted | Ordinary Council Meeting – 8 September 2020 |
| Adoption references | Council Decision – 139/2020 |

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| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | Amended delegation | CEO review - amended record keeping requirements | Record number 2348418 |
| 13 June 2023 | Council annual review | No change | OCM 102/2023 |
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| Delegation | 03.01.08 Apply for Declaration as an Approved Area |
| Category | 03.01 Council to Chief Executive Officer |
| Head of power | 03 Bush Fires Act 1954 |
| Delegator | Local Government |
| Express power to delegate | <i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> s. 48 Delegation by local government |
| Express power or duty delegated | <i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> s. 52(1) Approved area may be declared |
| Function | 1. Authority to apply to the Minister to have the local government district, or part of the district, declared as an approved area [s. 52(1)]. |
| Delegates | Chief Executive Officer |
| Conditions | Nil |
| Express power to subdelegate | Prohibited |
| Statutory framework | <i>Bush Fires Act 1954</i> |
| Policy | Nil |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
| Date adopted | Ordinary Council Meeting – 12 April 2022 |
| Adoption references | Council Decision – 039/2022 |

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| Date | Review Type | Amendment Details | References |
| 10 January 2023 | Amended delegation | CEO review - amended record keeping requirements | Record number 2348418 |
| 13 June 2023 | Council annual review | No change | OCM 102/2023 |
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| Delegation | 03.01.09 Recovery of Expenses Incurred Through Contraventions of this Act |
| Category | 03.01 Council to Chief Executive Officer |
| Head of power | 03 Bush Fires Act 1954 |
| Delegator | Local Government |
| Express power to delegate | <i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> s. 48 Delegation by local government |
| Express power or duty delegated | <i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> s. 58(3) General penalty and recovery of expenses incurred |
| Function | 1. 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, or those acting on behalf of the Shire, to do [s. 58]. |
| Delegates | Chief Executive Officer |
| Conditions | Nil |
| Express power to subdelegate | Prohibited |
| Statutory framework | <i>Bush Fires Act 1954</i> |
| Policy | Nil |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
| Date adopted | Ordinary Council Meeting – 8 September 2020 |
| Adoption references | Council Decisions – 139/2020 |

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| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | Amended delegation | CEO review - amended record keeping requirements | Record number 2348418 |
| 13 June 2023 | Council annual review | No change | OCM 102/2023 |
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| Delegation | 03.01.10 Prosecution of Offences and Infringement Notices |
| Category | 03.04 Council to Others |
| Head of power | 03 Bush Fires Act 1954 |
| Delegator | Local Government |
| Express power to delegate | <i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> • s 59(3) Delegation by local government |
| Express power or duty delegated | <i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> • s. 59 Prosecution of offences • s. 59A(1) and s. 59A(2) Alternative procedure - infringement notices (Prosecutors) |
| Function | <ol style="list-style-type: none"> 1. Authority to consider allegations of offences alleged to have been committed against this Act [s. 59(3)]. 2. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s. 59(3)]. 3. Authority to exercise the functions under s. 59A(2) which is to serve an infringement notice for an offence against the <i>Bush Fires Act 1954</i> [s. 59A(1)]. |
| Delegates | Chief Bushfire Control Officer Chief Executive Officer Coordinator Ranger Services Deputy Chief Executive Officer Executive Manager Land, Property and Regulatory Services Manager Regulatory Services Rangers |
| Conditions | <ol style="list-style-type: none"> 1. Prosecution of Offences: Chief Executive Officer Deputy Chief Executive Officer Executive Manager Land, Property and Regulatory Services, only where approval of the CEO is first obtained, in writing. 2. Alternative Procedure (Infringement Notices): Coordinator Ranger Services Rangers 3. Withdrawal of Infringement Notices: Chief Executive Officer Deputy Chief Executive Officer Executive Manager Land, Property and Regulatory Services |

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| Express power to subdelegate | Prohibited |
| Statutory framework | <i>Bush Fires Act 1954</i> <i>Bush Fires Regulations 1954</i> |
| Policy | Nil |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
| Date adopted | 12 April 2022 – Ordinary Council Meeting |
| Adoption reference | Council Decision – 039/2022 |

| Amendment and Review Table | | | |
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| Date | Review Type | Amendment Details | References |
| 10 January 2023 | Amended delegation | CEO review - amended record keeping requirements | Record number 2348418 |
| 13 June 2023 | Council annual review | Updated express power to delegate. Added delegates and updated conditions | OCM 102/2023 |
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| Delegation | 03.01.11 Notify Fire and Emergency Services Commissioner of Losses Caused by Bush Fires |
| Category | 03.01 Council to Chief Executive Officer |
| Head of power | 03 Bush Fires Act 1954 |
| Delegator | Local Government |
| Express power to delegate | <i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> s. 48 Delegation by local government |
| Express power or duty delegated | <i>Bush Fires Regulations 1954</i> <ul style="list-style-type: none"> r. 43 Bush fires and losses caused, notification of |
| Function | 1. Authority to send to the Fire and Emergency Services Commissioner in the month of June in each year particulars of losses caused by bush fires in the district during the preceding twelve (12) months (r. 43(2)). Each notice received by the local government may be forwarded to the Fire and Emergency Services Commissioner in order to comply with r. 43(2) [r. 43(3)]. |
| Delegates | Chief Executive Officer |
| Conditions | Nil |
| Express power to subdelegate | Prohibited |
| Statutory framework | <i>Bush Fires Regulations 1954</i> |
| Policy | Nil |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
| Date adopted | 12 April 2022 |
| Adoption references | Council Decision – 039/2022 |

| Amendment and Review Table | | | |
|-----------------------------------|-----------------------|--|-----------------------|
| Date | Review Type | Amendment Details | References |
| 10 January 2023 | Amended delegation | CEO review - amended record keeping requirements | Record number 2348418 |
| 13 June 2023 | Council annual review | No change | OCM 102/2023 |
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| Delegation | 04.01.01 Cat Registrations |
| Category | 04.01 Council to Chief Executive Officer |
| Head of power | 04 Cat Act 2011 |
| Delegator | Local Government |
| Express power to delegate | <p><i>Cat Act 2011</i></p> <ul style="list-style-type: none"> s. 44 Delegation by local government |
| Express power or duty delegated | <p><i>Cat Act 2011</i></p> <ul style="list-style-type: none"> s. 9 Registration s. 10 Cancellation of registration s. 11 Registration numbers, certificates and tags s. 12 Registration of cats <p><i>Cat Regulations 2012</i></p> <ul style="list-style-type: none"> Sch. 3, cl. 1(4) Fees payable |
| Function | <ol style="list-style-type: none"> Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s. 9(1)]. 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)]. Authority to cancel a cat registration [s. 10]. Authority to give the cat owner a new registration certificate or tag, if satisfied the original has been stolen, lost, damaged or destroyed [s. 11(2)]. 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 [Sch. 3, cl. 1(4)]. |
| Delegates | Chief Executive Officer |
| Conditions | <ol style="list-style-type: none"> Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i>. |
| Express power to subdelegate | <p><i>Cat Act 2011</i></p> <ul style="list-style-type: none"> s. 45 Delegation by CEO of local government |

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| Subdelegates | Business Administration Trainee Coordinator Ranger Services Customer Service Officer – Onslow Customer Service Officer - Tom Price Deputy Chief Executive Officer Executive Manager Land, Property and Regulatory Services Library Officer – Onslow Library Officer – Pannawonica Library Officer – Paraburdoo Manager Libraries Manager Regulatory Services Ranger Records and Customer Service Coordinator Records Officer |
| Subdelegate conditions | 1. The Authority to reduce or waive any fee is not subdelegated. |
| Statutory framework | <i>Cat Act 2011</i> <i>Cat Regulations 2012</i> |
| Policy | Nil |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
| Date adopted | 12 April 2022 – Ordinary Council Meeting |
| Adoption reference | Council Decision – 039/2022 |

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|-----------------------------------|-----------------------|--|-----------------------|
| Date | Review Type | Amendment Details | References |
| 10 January 2023 | Amended delegation | CEO review - amended list of sub-delegates | Record number 2348418 |
| 13 June 2023 | Council annual review | No change | OCM 102/2023 |
| 15 August 2023 | CEO review | Sub-delegates updated | Record number 2350219 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 04.01.02 Cat Control Notices |
| Category | 04.01 Council to Chief Executive Officer |
| Head of power | 04 Cat Act 2011 |
| Delegator | Local Government |
| Express power to delegate | <i>Cat Act 2011</i> <ul style="list-style-type: none"> s. 44 Delegation by local government |
| Express power or duty delegated | <i>Cat Act 2011</i> <ul style="list-style-type: none"> s. 26 Cat control notice may be given to cat owner s. 27 Cats may be seized |
| Function | <ol style="list-style-type: none"> Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire's district [s. 26]. Authority to seize any cat if there are reasonable grounds [s.27]. |
| Delegates | Chief Executive Officer |
| Conditions | Nil |
| Express power to subdelegate | <i>Cat Act 2011</i> <ul style="list-style-type: none"> s. 45 Delegation by CEO of local government |
| Subdelegates | Deputy Chief Executive Officer Coordinator Ranger Services Executive Manager Land, Property and Regulatory Services Manager Regulatory Services Ranger |
| Subdelegate conditions | Nil |
| Statutory framework | <i>Cat Act 2011</i> <i>Cat Regulations 2012</i> |
| Policy | Nil |
| Record keeping | <ol style="list-style-type: none"> Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>. |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption references | Council Decision – 139/2020 |

| Amendment and Review Table | | | |
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| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | Amended delegation | CEO review - amended list of sub-delegates | Record number 2348418 |
| 13 June 2023 | Council annual review | No change | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 04.01.03 Approval to Breed Cats |
| Category | 04.01 Council to Chief Executive Officer |
| Head of power | 04 Cat Act 2011 |
| Delegator | Local Government |
| Express power to delegate | <i>Cat Act 2011</i> <ul style="list-style-type: none"> s. 44 Delegation by local government |
| Express power or duty delegated | <i>Cat Act 2011</i> <ul style="list-style-type: none"> s. 37 Approval to Breed Cats s. 38 Cancellation of approval to breed cats s. 39 Certificate to be given to approved cat breeder |
| Function | <ol style="list-style-type: none"> Authority to grant or refuse to grant approval or renew an approval to breed cats [s. 37 (1) and s. 37(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)]. Authority to cancel an approval to breed cats [s. 38]. 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)]. |
| Delegates | Chief Executive Officer |
| Conditions | <ol style="list-style-type: none"> Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i>. |
| Express power to subdelegate | <i>Cat Act 2011</i> <ul style="list-style-type: none"> s. 45 Delegation by CEO of local government |
| Subdelegates | Deputy Chief Executive Officer Coordinator Ranger Services Executive Manager Land, Property and Regulatory Services Manager Regulatory Services |
| Subdelegate conditions | Nil |
| Statutory framework | <i>Cat Act 2011</i> <i>Cat Regulations 2012</i> |
| Policy | Nil |

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| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption references | Council Decision – 139/2020 |

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| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | Amended delegation | CEO review - amended list of sub-delegates | Record number 2348418 |
| 13 June 2023 | Council annual review | No change | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 04.01.04 Recovery of Costs - Destruction of Cats |
| Category | 04.01 Council to Chief Executive Officer |
| Head of power | 04 Cat Act 2011 |
| Delegator | Local Government |
| Express power to delegate | <i>Cat Act 2011</i> <ul style="list-style-type: none"> s. 44 Delegation by local government |
| Express power or duty delegated | <i>Cat Act 2011</i> <ul style="list-style-type: none"> s. 49(3) Authorised person may cause cat to be destroyed |
| Function | 1. Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s. 49(3)]. |
| Delegates | Chief Executive Officer |
| Conditions | Nil |
| Express power to subdelegate | <i>Cat Act 2011</i> <ul style="list-style-type: none"> s. 45 Delegation by CEO of local government |
| Subdelegates | Deputy Chief Executive Officer Executive Manager Land, Property and Regulatory Services Manager Regulatory Services |
| Subdelegate conditions | Nil |
| Statutory framework | <i>Cat Act 2011</i> <i>Cat Regulations 2012</i> |
| Policy | Nil |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption references | Council Decision – 139/2020 |

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| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | Amended delegation | CEO review - amended list of sub-delegates | Record number 2348418 |
| 13 June 2023 | Council annual review | No change | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 04.01.05 Applications to Keep Additional Cats |
| Category | 04.01 Council to Chief Executive Officer |
| Head of power | 04 Cat Act 2011 |
| Delegator | Local Government |
| Express power to delegate | <i>Cat Act 2011</i> <ul style="list-style-type: none"> s. 44 Delegation by local government |
| Express power or duty delegated | <i>Cat (Uniform Local Provisions) Regulations 2013</i> <ul style="list-style-type: none"> r. 8 Application to keep additional number of cats r. 9 Grant of approval to keep additional number of cat |
| Function | <ol style="list-style-type: none"> Authority to require any document or additional information required to determine an application [r. 8(3)]. 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)]. 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]. |
| Delegates | Chief Executive Officer |
| Conditions | <ol style="list-style-type: none"> 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 subdelegate | <i>Cat Act 2011</i> <ul style="list-style-type: none"> s. 45 Delegation by CEO of local government |
| Subdelegates | Coordinator Ranger Services Deputy Chief Executive Officer Executive Manager Land, Property and Regulatory Services Manager Regulatory Services |
| Subdelegate conditions | Nil |
| Statutory framework | <i>Cat Act 2011</i> <i>Cat Regulations 2012</i> |
| Policy | Nil |

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| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption reference | Council Decision – 139/2020 |

| Amendment and Review Table | | | |
|-----------------------------------|-----------------------|--|-----------------------|
| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | Amended delegation | CEO review - amended list of sub-delegates | Record number 2348418 |
| 13 June 2023 | Council annual review | No change | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 04.02.01 Infringement Notices - Extensions and Withdrawals |
| Category | 04.02 Chief Executive Officer to Shire Employees |
| Head of power | 04 Cat Act 2011 |
| Delegator | Chief Executive Officer |
| Express power to delegate | <i>Cat Act 2011</i> <ul style="list-style-type: none"> s. 45 Delegation by CEO of local government |
| Express power or duty delegated | <i>Cat Act 2011</i> <ul style="list-style-type: none"> s. 64 Extension of time s. 65 Withdrawal of notice |
| Function | <ol style="list-style-type: none"> Authority to extend the period of twenty-eight (28) days within which the modified penalty may be paid and the extension may be allowed whether or not the period of twenty-eight (28) days has elapsed [s. 64]. Authority, within one (1) year of the infringement notice being given, and whether or not the modified penalty has been paid, to withdraw an infringement notice [s. 65]. |
| Delegate | Chief Executive Officer |
| Conditions | Nil |
| Express power to subdelegate | <i>Cat Act 2011</i> <ul style="list-style-type: none"> s. 45 Delegation by CEO of local government |
| Subdelegates | Deputy Chief Executive Officer Executive Manager Land, Property and Regulatory Services Manager Regulatory Services |
| Subdelegate conditions | A sub delegate who issued an infringement notice must not determine an extension or withdrawal related to that infringement notice. |
| Statutory framework | <i>Cat Act 2011</i> <i>Cat Regulations 2012</i> |
| Policy | Nil |
| Record keeping | <ol style="list-style-type: none"> Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>. |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption references | Council Decision – 139/2020 |

| Amendment and Review Table | | | |
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| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | Amended delegation | CEO review - amended list of sub-delegates | Record number 2348418 |
| 21 December 2023 | CEO annual review | Amended subdelegate conditions | Record number 2451054 |
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| Delegation | 05.01.01 Dog Registrations |
| Category | 05.01 Council to Chief Executive Officer |
| Head of power | 05 Dog Act 1976 |
| Delegator | Local Government |
| Express power to delegate | <i>Dog Act 1976</i> <ul style="list-style-type: none"> s. 10AA Delegation of local government powers and duties |
| Express power or duty delegated | <i>Dog Act 1976</i> <ul style="list-style-type: none"> s. 14 Register of dogs s. 16(2a), s. 16(3), s. 16(3c), s. 16(3A) and s. 16(6) Registration procedures |
| Function | <ol style="list-style-type: none"> Authority to keep and accurate and up-to-date record of all registered dogs and correct any errors found in the register [s. 14]. Authority to refuse to register a dog [s. 16(3)]. Authority to register a dog [s. 16(2a)]. Authority to cancel a registration of a person banned from owning or keeping a dog [s. 16(3A)]. Authority to cancel a registration if a dog has died [s. 16(3c)]. Authority to provide a registration certificate [s. 16(6)]. |
| Delegates | Chief Executive Officer |
| Conditions | Nil |
| Express power to subdelegate | <i>Dog Act 1976</i> <ul style="list-style-type: none"> s. 10AA(3) Delegation of local government powers and duties |
| Subdelegates | Nil |
| Subdelegate conditions | Nil |
| Statutory framework | <i>Dog Act 1976</i> |
| Policy | Nil |
| Record keeping | <ol style="list-style-type: none"> Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>. |

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| Date adopted | 12 April 2022 – Ordinary Council Meeting |
| Adoption reference | Council Decision – 039/2022 |

| Amendment and Review Table | | | |
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| Date | Review Type | Amendment Details | References |
| 10 January 2023 | Amended delegation | CEO review - amended list of sub-delegates | Record number 2348418 |
| 13 June 2023 | Council annual review | No change | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 05.01.02 Refuse or Cancel Registration |
| Category | 05.01 Council to Chief Executive Officer |
| Head of power | 05 Dog Act 1976 |
| Delegator | Local Government |
| Express power to delegate | <i>Dog Act 1976</i> <ul style="list-style-type: none"> s.10AA Delegation of local government powers and duties |
| Express power or duty delegated | <i>Dog Act 1976</i> <ul style="list-style-type: none"> s. 17A(2) If no application for registration made s. 17(4) and s. 17(6) Refusal or cancellation of registration |
| Function | <ol style="list-style-type: none"> 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)]. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had been found in contravention of s. 31, s. 32 or s. 33A, and had not been claimed [s. 17(6)]. |
| Delegates | Chief Executive Officer |
| Conditions | Nil |
| Express power to subdelegate | <i>Dog Act 1976</i> <ul style="list-style-type: none"> s. 10AA(3) Delegation of local government powers and duties |
| Subdelegates | Deputy Chief Executive Officer Executive Manager Land, Property and Regulatory Services Manager Regulatory Services Coordinator Ranger Services Ranger |
| Subdelegate conditions | Nil |
| Statutory framework | <i>Dog Act 1976</i> |
| Policy | Nil |

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| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption reference | Council Decision – 139/2020 |

| Amendment and Review Table | | | |
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| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | Amended delegation | CEO review - amended list of sub-delegates | Record number 2348418 |
| 13 June 2023 | Council annual review | No change | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 05.01.03 Recovery of Money Due Under this Act |
| Category | 05.01 Council to Chief Executive Officer |
| Head of power | 05 Dog Act 1976 |
| Delegator | Local Government |
| Express power to delegate | <i>Dog Act 1976</i> <ul style="list-style-type: none"> s. 10AA Delegation of local government powers and duties |
| Express power or duty delegated | <i>Dog Act 1976</i> <ul style="list-style-type: none"> s. 29(5) Power to seize dogs |
| Function | 1. Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s. 29(5)]. |
| Delegates | Chief Executive Officer |
| Conditions | Nil |
| Express power to subdelegate | <i>Dog Act 1976</i> <ul style="list-style-type: none"> s. 10AA(3) Delegation of local government powers and duties |
| Subdelegates | Deputy Chief Executive Officer Director Corporate Services Manager Finance |
| Subdelegate conditions | Nil |
| Statutory framework | <i>Dog Act 1976</i> |
| Policy | Nil |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption reference | Council Decision – 139/2020 |

| Amendment and Review Table | | | |
|-----------------------------------|-----------------------|--|-----------------------|
| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | Amended delegation | CEO review - amended list of sub-delegates | Record number 2348418 |
| 13 June 2023 | Council annual review | No change | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 05.01.04 Dispose of or Sell Dogs Liable to be Destroyed |
| Category | 05.01 Council to Chief Executive Officer |
| Head of power | 05 Dog Act 1976 |
| Delegator | Local Government |
| Express power to delegate | <i>Dog Act 1976</i> <ul style="list-style-type: none"> s.10AA Delegation of local government powers and duties |
| Express power or duty delegated | <i>Dog Act 1976</i> <ul style="list-style-type: none"> s. 29(11) Power to seize dogs |
| Function | 1. Authority to dispose of or sell a dog which is liable to be destroyed [s. 29(11)]. |
| Delegates | Chief Executive Officer |
| Conditions | 1. Proceeds from the sale of dogs are to be directed into the Municipal Fund. |
| Express power to subdelegate | <i>Dog Act 1976</i> <ul style="list-style-type: none"> s. 10AA(3) Delegation of local government powers and duties |
| Subdelegates | Deputy Chief Executive Officer Executive Manager Land, Property and Regulatory Services Manager Regulatory Services |
| Subdelegate conditions | Nil |
| Statutory framework | <i>Dog Act 1976</i> |
| Policy | Nil |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption references | Council Decision – 139/2020 |

| Amendment and Review Table | | | |
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| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | Amended delegation | CEO review - amended list of sub-delegates | Record number 2348418 |
| 13 June 2023 | Council annual review | No change | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 05.01.05 Declare Dangerous Dog |
| Category | 05.01 Council to Chief Executive Officer |
| Head of power | 05 Dog Act 1976 |
| Delegator | Local Government |
| Express power to delegate | <i>Dog Act 1976</i> <ul style="list-style-type: none"> s. 10AA Delegation of local government powers and duties |
| Express power or duty delegated | <i>Dog Act 1976</i> <ul style="list-style-type: none"> s. 33E(1) Individual dog may be declared to be dangerous dog (declared) |
| Function | 1. Authority to declare an individual dog to be a dangerous dog [s. 33E(1)] |
| Delegates | Chief Executive Officer |
| Conditions | Nil |
| Express power to subdelegate | <i>Dog Act 1976</i> <ul style="list-style-type: none"> s.10AA(3) Delegation of local government powers and duties |
| Subdelegates | Executive Manager Land, Property and Regulatory Services Manager Regulatory Services |
| Subdelegate conditions | Nil |
| Statutory framework | <i>Dog Act 1976</i> |
| Policy | Nil |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption references | Council Decision – 139/2020 |

| Amendment and Review Table | | | |
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| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | Amended delegation | CEO review - amended list of sub-delegates | Record number 2348418 |
| 13 June 2023 | Council annual review | No change | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 05.01.06 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke |
| Category | 05.01 Council to Chief Executive Officer |
| Head of power | 05 Dog Act 1976 |
| Delegator | Local Government |
| Express power to delegate | <i>Dog Act 1976</i> <ul style="list-style-type: none"> s. 10AA Delegation of local government powers and duties |
| Express power or duty delegated | <i>Dog Act 1976</i> <ul style="list-style-type: none"> s. 33F(6) Owners to be notified of making of declaration s. 33G(4) Seizure and destruction s. 33H(1), s. 33H(2) and s. 33H(5) Local government may revoke declaration or proposal to destroy |
| Function | <ol style="list-style-type: none"> Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s. 33F(6)]. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s. 33G(4)]. Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied the dog can be kept without likelihood of any contravention of this Act [s. 33H(1)]. 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)]. |
| Delegates | Chief Executive Officer |
| Conditions | Nil |
| Express power to subdelegate | <i>Dog Act 1976</i> <ul style="list-style-type: none"> s. 10AA(3) Delegation of local government powers and duties |
| Subdelegates | Deputy Chief Executive Officer |
| Subdelegate conditions | Nil |
| Statutory framework | <i>Dog Act 1976</i> |

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| Policy | Nil |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption references | Council Decision – 139/2020 |

| Amendment and Review Table | | | |
|-----------------------------------|-----------------------|------------------------------------|-----------------------|
| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | Amended delegation | CEO review - included sub-delegate | Record number 2348418 |
| 13 June 2023 | Council annual review | No change | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 05.01.07 Authorise Registration Officers |
| Category | 05.01 Council to Chief Executive Officer |
| Head of power | 05 Dog Act 1976 |
| Delegator | Local Government |
| Express power to delegate | <i>Dog Act 1976</i> <ul style="list-style-type: none"> s. 10AA Delegation of local government powers and duties |
| Express power or duty delegated | <i>Dog Act 1976</i> <ul style="list-style-type: none"> s. 3 Registration Officer |
| Function | 1. Authority to authorise registration officers to exercise the powers and duties conferred on a registration officer under the <i>Dog Act 1976</i> . |
| Delegates | Chief Executive Officer |
| Conditions | Nil |
| Express power to subdelegate | <i>Dog Act 1976</i> <ul style="list-style-type: none"> s. 10AA(3) Delegation of local government powers and duties |
| Subdelegates | Deputy Chief Executive Officer Executive Manager Land, Property and Regulatory Services |
| Subdelegate conditions | Nil |
| Statutory framework | <i>Dog Act 1976</i> <i>Dog Regulations 2013</i> |
| Policy | Nil |
| Record keeping | <ol style="list-style-type: none"> Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>. A record of each Authorisation is to be retained in the Authorised Persons Register and retained as a Local Government Record. Instruments or Certificates of Authorisation are to be provided to Authorised Persons, and copies of these documents are to be retained in the assigned records management system. |
| Date adopted | 12 April 2022 – Ordinary Council Meeting |
| Adoption references | Council Decision – 039/2022 |

| Amendment and Review Table | | | |
|-----------------------------------|-----------------------|------------------------------------|-----------------------|
| Date | Review Type | Amendment Details | References |
| 10 January 2023 | Amended delegation | CEO review - included sub-delegate | Record number 2348418 |
| 13 June 2023 | Council annual review | No change | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 05.01.08 Limitation of Numbers - Exemptions |
| Category | 05.01 Council to Chief Executive Officer |
| Head of power | 05 Dog Act 1976 |
| Delegator | Local Government |
| Express power to delegate | Dog Act 1976 <ul style="list-style-type: none"> • s. 10AA Delegation of local government powers and duties |
| Express power or duty delegated | Dog Act 1976 <ul style="list-style-type: none"> • s. 26(3) limitations as to numbers |
| Function | <ol style="list-style-type: none"> 1. Where by a local law under the <i>Dog Act 1976</i> a local government has placed a limit on the keeping of dogs in any specified area, but the local government is satisfied in relation to any particular premises that the provisions of the Dog Act 1976 relating to approved kennel establishments need not be applied in the circumstances grant an exemption in respect of premises but any such exemption - <ul style="list-style-type: none"> • may be subject to conditions including a condition that it applies only to the dogs specified in the exemption; and cannot authorise the keeping in or on those premises of: <ol style="list-style-type: none"> o more than 6 dogs that have reached 3 months of age; or o a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption; and o may be revoked or varied at any time. 2. Reference must be made to s.26 of the Act for all requirements and limitations. |
| Delegates | Chief Executive Officer |
| Conditions | The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3). This delegation may only be exercised in accordance with any relevant directives and procedures |
| Express power to subdelegate | <i>Dog Act 1976</i> <ul style="list-style-type: none"> • s. 10AA(3) Delegation of local government powers and duties |
| Subdelegates | Executive Manager Land, Property and Regulatory Services Manager Regulatory Services |

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| Subdelegate conditions | Nil |
| Statutory framework | <i>Dog Act 1976</i> <i>Dog Regulations 2013</i> |
| Policy | Nil |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the Local Government (Administration) Regulations 1996 and within the official recordkeeping system. |
| Date adopted | 13 June 2023 – Ordinary Council Meeting |
| Adoption references | Council Decision – OCM 102/2023 |

| Amendment and Review Table | | | |
|-----------------------------------|--------------------|-------------------------------|-----------------------|
| Date | Review Type | Amendment Details | References |
| 21 December 2023 | CEO annual review | Updated list of subdelegates. | Record number 2451054 |
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| Delegation | 06.01.01 Prohibition Orders |
| Category | 06.01 Council to Chief Executive Officer |
| Head of power | 06 Food Act 2008 |
| Delegator | Local Government |
| Express power to delegate | <i>Food Act 2008</i> <ul style="list-style-type: none"> s. 118(2)(b), s. 118(3) and s. 118(4) Functions of enforcement agencies and delegation |
| Express power or duty delegated | <i>Food Act 2008</i> <ul style="list-style-type: none"> s. 65(1) Prohibition orders s. 66 Certificate of clearance to be given in certain circumstances s. 67(4) Request for re-inspection |
| Function | <ol style="list-style-type: none"> 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)]. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s. 66]. 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)]. |
| Delegates | Chief Executive Officer Deputy Chief Executive Officer Executive Manager Land Property and Regulatory Services Manager Regulatory Services Environmental Health Officer |
| Conditions | <ol style="list-style-type: none"> In accordance with s. 118(3)(b), this delegation is subject to relevant Department of Health Guidelines, as amended from time to time. The Environmental Health Officer is not permitted to issue Prohibition Orders without prior consultation with another delegate. |
| Express power to subdelegate | Not provided for. |
| Statutory framework | <i>Food Act 2008</i> |
| Policy | Nil |
| Record keeping | <ol style="list-style-type: none"> Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>. |

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| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption references | Council Decision – 139/2020 |

| Amendment and Review Table | | | |
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| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | OCM 039/2022 |
| 10 January 2023 | CEO annual review | Amended record keeping requirements | Record number 2348418 |
| 13 June 2023 | Council annual review | Amended list of delegate and update of conditions | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 06.01.02 Food Business Registrations |
| Category | 06.01 Council to Chief Executive Officer |
| Head of power | 06 Food Act 2008 |
| Delegator | Local Government |
| Express power to delegate | <i>Food Act 2008</i> <ul style="list-style-type: none"> s. 118(2)(b), s. 118(3) and s. 118(4) Functions of enforcement agencies and delegation |
| Express power or duty delegated | <i>Food Act 2008</i> <ul style="list-style-type: none"> s. 110(1) and s. 110(5) Registration of food business s. 112 Variation of conditions or cancellation of registration of food businesses |
| Function | <ol style="list-style-type: none"> 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 s. 110(5)]. Authority to vary the conditions or cancel the registration of a food business [s. 112]. |
| Delegates | Chief Executive Officer Deputy Chief Executive Officer Executive Manager Land Property and Regulatory Services Manager Regulatory Services Environmental Health Officer |
| Conditions | <ol style="list-style-type: none"> In accordance with s. 118(3)(b), this delegation is subject to relevant Department of Health Guidelines, as amended from time to time. |
| Express power to subdelegate | Not provided for. |
| Statutory framework | <i>Food Act 2008</i> |
| Policy | Nil |
| Record keeping | <ol style="list-style-type: none"> Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>. |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption references | Council Decision – 139/2020 |

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| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | Amended delegation | CEO review - amended record keeping requirements | Record number 2348418 |
| 13 June 2023 | Council annual review | Amended list of delegates | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 06.01.03 Appoint Authorised Officers and Designated Officers |
| Category | 06.01 Council to Chief Executive Officer |
| Head of power | 06 Food Act 2008 |
| Delegator | Local Government |
| Express power to delegate | <i>Food Act 2008</i> <ul style="list-style-type: none"> • s. 118(2)(b), s. 118(3) and s. 118(4) Functions of enforcement agencies and delegation |
| Express power or duty delegated | <i>Food Act 2008</i> <ul style="list-style-type: none"> • s. 122 Appointment of authorised officers • s. 126(13) Appointment of designated officers |
| Function | <ol style="list-style-type: none"> 1. Authority to appoint persons to undertake the functions of an enforcement agency under the Food Act 2008 [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(1)]. 3. Authority to appoint an Authorised Officer appointed under s. 122(1) of the <i>Food Act 2008</i> or 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 purposes 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)]. |
| Delegates | Chief Executive Officer |
| Conditions | <ol style="list-style-type: none"> 1. In accordance with s. 118(3)(b), this delegation is subject to relevant Department of Health Guidelines, as amended from time to time. 2. A register of authorised officers appointed is to be maintained [s.122(3)]. 3. Authorised Officers are to be issued with a Certificate of Authority [s.123(1)]. |
| Express power to subdelegate | Not provided for. |
| Statutory framework | <i>Food Act 2008</i> |

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| Policy | Nil |
| Record keeping | <ol style="list-style-type: none"> 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>. 2. A record of each Authorisation is to be retained in the Authorised Persons Register and retained as a Local Government Record. 3. Instruments or Certificates of Authorisation are to be provided to Authorised Persons, and copies of these documents are to be retained in the assigned records management system. |
| Date adopted | 12 April 2022 – Ordinary Council Meeting |
| Adoption references | Council Decision – 039/2022 |

| Amendment and Review Table | | | |
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| Date | Review Type | Amendment Details | References |
| 13 June 2023 | Council annual review | No change | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 07.01.01 Give Notice Requiring Obliteration of Graffiti |
| Category | 07.01 Council to Chief Executive Officer |
| Head of power | 07 Graffiti Vandalism Act 2016 |
| Delegator | Local Government |
| Express power to delegate | <i>Graffiti Vandalism Act 2016</i> <ul style="list-style-type: none"> s. 16 Delegation by local government |
| Express power or duty delegated | <i>Graffiti Vandalism Act 2016</i> <ul style="list-style-type: none"> s. 18(2) Notice requiring removal of graffiti s. 19(3) and s. 19(4) Additional powers when notice is given |
| Function | <ol style="list-style-type: none"> 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 the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)]. Where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s. 19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s. 19 (4)]. |
| Delegates | Chief Executive Officer |
| Conditions | Nil |
| Express power to subdelegate | <i>Graffiti Vandalism Act 2016</i> <ul style="list-style-type: none"> s.17 Delegation by CEO of local government |
| Subdelegates | Deputy Chief Executive Officer Director Community Development Director Infrastructure Services Executive Manager Land, Property and Regulatory Services |
| Subdelegate conditions | Nil |
| Statutory framework | <i>Graffiti Vandalism Act 2016</i> |
| Policy | Nil |
| Record keeping | <ol style="list-style-type: none"> Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>. |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption references | Council Decision – 139/2020 |

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| Date | Review Type | Amendment Details | References |
| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | Amended delegation | CEO review - amended list of sub-delegates | Record number 2348418 |
| 13 June 2023 | Council annual review | No change | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | 07.01.02 Notices – Deal with Objections and Give Effect to Notices |
| Category | 07.01 Council to Chief Executive Officer |
| Head of power | 07 Graffiti Vandalism Act 2016 |
| Delegator | Local Government |
| Express power to delegate | <i>Graffiti Vandalism Act 2016</i> <ul style="list-style-type: none"> s. 16 Delegation by local government |
| Express power or duty delegated | <i>Graffiti Vandalism Act 2016</i> <ul style="list-style-type: none"> s. 22(3) Objection may be lodged s. 24(1)(b) and s. 24(3) Suspension of effect of notice |
| Function | <ol style="list-style-type: none"> Authority to deal with an objection to a notice [s. 22(3)]. Authority, where an objection has been lodged, to: <ol style="list-style-type: none"> determine and take action to give effect to the notice, where it is determined 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 to give notice to the affected person, before taking the necessary action [s. 24 (3)]. |
| Delegates | Chief Executive Officer |
| Conditions | Nil |
| Express power to subdelegate | <i>Graffiti Vandalism Act 2016</i> <ul style="list-style-type: none"> s. 17 Delegation by CEO of local government |
| Subdelegates | Deputy Chief Executive Officer Director Community Development Director Infrastructure Services |
| Subdelegate conditions | Nil |
| Statutory framework | <i>Graffiti Vandalism Act 2016</i> |
| Policy | Nil |
| Record keeping | <ol style="list-style-type: none"> Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>. |

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| 13 June 2023 | Council annual review | No change | OCM 102/2023 |
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| Delegation | 07.01.03 Obliterate Graffiti on Private Property |
| Category | 07.01 Council to Chief Executive Officer |
| Head of power | 07 Graffiti Vandalism Act 2016 |
| Delegator | Local Government |
| Express power to delegate | <i>Graffiti Vandalism Act 2016</i> <ul style="list-style-type: none"> s. 16 Delegation by local government |
| Express power or duty delegated | <i>Graffiti Vandalism Act 2016</i> <ul style="list-style-type: none"> s. 25(1) Local government graffiti powers on land not local government property |
| Function | 1. Authority to determine to obliterate graffiti without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s. 25(1)]. |
| Delegates | Chief Executive Officer |
| Conditions | 1. Subject to exercising Powers of Entry legislative requirements. |
| Express power to subdelegate | <i>Graffiti Vandalism Act 2016</i> <ul style="list-style-type: none"> s. 17 Delegation by CEO of local government |
| Subdelegates | Deputy Chief Executive Officer Director Community Development Director Infrastructure Services |
| Subdelegate conditions | Nil |
| Statutory framework | <i>Graffiti Vandalism Act 2016</i> |
| Policy | Nil |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |

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| Delegation | 07.01.04 Powers of Entry |
| Category | 07.01 Council to Chief Executive Officer |
| Head of power | 07 Graffiti Vandalism Act 2016 |
| Delegator | Local Government |
| Express power to delegate | <i>Graffiti Vandalism Act 2016</i> <ul style="list-style-type: none"> s. 16 Delegation by local government |
| Express power or duty delegated | <i>Graffiti Vandalism Act 2016</i> <ul style="list-style-type: none"> s. 28 Notice of entry s. 29 Entry under warrant |
| Function | <ol style="list-style-type: none"> 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]. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s. 29]. |
| Delegates | Chief Executive Officer |
| Conditions | Nil |
| Express power to subdelegate | <i>Graffiti Vandalism Act 2016</i> <ul style="list-style-type: none"> s. 17 Delegation by CEO of local government |
| Subdelegates | Deputy Chief Executive Officer Director Community Development Director Infrastructure Services |
| Subdelegate conditions | Nil |
| Statutory framework | <i>Graffiti Vandalism Act 2016</i> |
| Policy | Nil |
| Record keeping | <ol style="list-style-type: none"> Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>. |
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| Delegation | 08.01.01 Directions Regarding Unauthorised / Illegal Development |
| Category | 08.01 Council to Chief Executive Officer |
| Head of power | 08 Planning and Development Act 2005 |
| Delegator | Local Government |
| Express power to delegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 5.42 Delegation of some powers or duties to the CEO |
| Express power or duty delegated | <i>Planning and Development Act 2005</i> <ul style="list-style-type: none"> s. 214(2), s. 214(3) and s. 214(5) Illegal development, responsible powers as to |
| Function | <ol style="list-style-type: none"> Authority to give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or the part of the development which is undertaken in contravention of the planning scheme, interim development order or planning control area requirements. Authority to give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> to remove, pull down, take up, or alter the development; and to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority. Authority to give a written direction to the person whose duty it is to execute work to execute the work where it appears the 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. |
| Delegates | Chief Executive Officer |
| Conditions | Nil |
| Express power to subdelegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 5.44 CEO may delegate some powers and duties to other employees |
| Subdelegates | Deputy Chief Executive Officer Executive Manager Land, Property and Regulatory Services Manager Regulatory Services |
| Subdelegate conditions | <ol style="list-style-type: none"> The delegates must consult with the Chief Executive Officer before issuing a written direction. All prosecutions are to be authorised in advance by the Chief Executive Officer prior to action being taken. |

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| Statutory framework | <i>Planning and Development Act 2005</i> |
| Policy | Nil |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
| Adoption references | Council Decision – 139/2020 |

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| Date | Review Type | Amendment Details | References |
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| 10 January 2023 | Amended sub delegation | CEO review - amended list of sub-delegates | Record number 2348418 |
| 13 June 2023 | Council annual review | No change | OCM 102/2023 |
| 21 December 2023 | CEO annual review | Updated sub delegate conditions. | Record number 2451054 |
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| Delegation | 08.01.02 Determination of Development Applications |
| Category | 08.01 Council to Chief Executive Officer |
| Head of power | 08 Planning and Development Act 2005 |
| Delegator | Local Government |
| Express power to delegate | <p><i>Planning and Development (Local Planning) Schemes Regulations 2015</i></p> <ul style="list-style-type: none"> • cl. 82 Sch. 2 Delegations by local government |
| Express power or duty delegated | <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></p> <ul style="list-style-type: none"> • Parts 3, 4, 6, 7, 8, 9 of Schedule 2 (Deemed Provisions) |
| Function | <ol style="list-style-type: none"> 1. Authority to make determinations of an application for development approval under cl. 68 of Sch. 2 of the <i>Planning and Development (Local Planning Scheme) Regulations</i>, and subsection 31(2) of the <i>State Administrative Tribunal Act 2004</i>. 2. Authority for advertising of applications and proposals under cl. 5.7 of the Shire of Ashburton Local Planning Scheme No. 7, cl. 64 and subclauses 66(1) and 77(3) of Sch. 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. 3. Authority to make determinations regarding accompanying material requirements for applications for development approval, including refusal to accept an application, under cl. 11, 63 and 85 of Sch. 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. 4. Authority to amend or cancel development approval, including waiving or varying a requirement in Part 8 or Part 9 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> for minor amendments and temporary works or use, under cl. 77 and subclauses 61(1)(f) and 61(2)(d) of Sch. 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. 5. Authority to provide additional variety of delegated powers - <ol style="list-style-type: none"> a. Exercise discretion, determine and apply conditions to all applications for development approval made under the Shire of Ashburton Local Planning Scheme No. 7, b. Exercise discretion and affirm, vary or set aside a decision made on an application for development approval following a request by the State Administrative Tribunal for a reconsideration to be made under s. 31 of the <i>State Administrative Tribunal Act 2004</i>, c. Determine the requirement for, and extent of, advertising of applications and proposals made under the Shire of Ashburton Local Planning Scheme No. 7, |

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| Function Continued.... | <p>d. Determine the type and extent of accompanying material required to be lodged with applications and proposals made under the Shire of Ashburton Local Planning Scheme No. 7 and whether an application should be accepted or rejected,</p> <p>e. Exercise discretion, determine and apply conditions to all applications to amend or cancel a development approval,</p> <p>f. Exercise discretion, determine and apply conditions to all applications made to extend the period within which a development approved must be substantially commenced,</p> <p>g. Exercise discretion, determine and apply conditions to all applications made under r. 17A of the <i>Planning and Development (Development Assessment Panels) Regulations 2011</i> to amend or cancel a development approval made by a Development Assessment Panel, and</p> <p>h. Waive or vary a requirement in Part 8 or Part 9 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> in respect of an application where the application is considered to relate to a minor amendment to the development approval.</p> |
| Delegates | Chief Executive Officer |
| Conditions | <ol style="list-style-type: none"> 1. Delegation only to be exercised following appropriate consideration of the matters listed in cl. 67, cl. 68 and cl. 69 of Sch. 2 (Deemed Provisions). 2. Where applications are required to undergo consultation in accordance with cl. 64 of Sch. 2(8) and cl. 66 of Sch. 2(9), delegation can only be exercised where concerns raised through consultation is not relevant to planning considerations or where concerns can be addressed by way of conditions or mitigated by design. 3. Where concerns raised are relevant planning consideration which cannot be addressed or mitigated through conditions, a report to Council is to be prepared only where the objection relates to a variation to the Scheme or R-Codes. 4. Delegation can only be exercised to the extent the Scheme, or Council Policy, provides for variations and, where a variation to the Council Policy is proposed, a report to Council shall be prepared. |
| Express power to subdelegate | <p><i>Planning and Development (Local Planning) Schemes Regulations 2015</i></p> <ul style="list-style-type: none"> • cl. 83 Sch. 2 Local government CEO may delegate powers |
| Subdelegates | Deputy Chief Executive Officer Executive Manager Land, Property and Regulatory Services Manager Regulatory Services. |

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| Subdelegate conditions | The conditions on the delegate apply to the subdelegates. |
| Statutory framework | <i>Planning and Development Act 2005</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> |
| Policy | Nil |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
| Date adopted | 8 September 2020 – Ordinary Council Meeting |
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| 12 April 2022 | Council annual review | Nil | 039/2022 |
| 10 January 2023 | Amended sub delegation | CEO review - amended list of sub-delegates | Record number 2348418 |
| 13 June 2023 | Council annual review | No change | OCM 102/2023 |
| 21 December 2023 | CEO annual review | Updated sub delegate conditions. | Record number 2451054 |
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| Delegation | 08.01.03 Structure Plans and Local Development Plans |
| Category | 08.01 Council to Chief Executive Officer |
| Head of power | 08 Planning and Development Act 2005 |
| Delegator | Local Government |
| Express power to delegate | <p><i>Planning and Development (Local Planning) Schemes Regulations 2015</i></p> <ul style="list-style-type: none"> • cl. 82 Sch. 2 Delegations by local government |
| Express power or duty delegated | <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></p> <ul style="list-style-type: none"> • Part 4, Part 5 and Part 6 Sch. 2 <ul style="list-style-type: none"> i. cl. 17 Action by local government on receipt of application ii. cl. 18 Advertising structure plan iii. cl. 19 Consideration of submission iv. cl. 20 Local government report to Commission v. cl. 29 Amendment of structure plan vi. cl. 48 Preparation of local development plan vii. cl. 50 Advertising of local development plan viii. cl. 51 Consideration of submission ix. cl. 52 Decision of local government x. cl. 53 Local development plan may provide for later approval of details of development xi. cl. 58 Revocation of local development plan xii. cl. 59 Amendment of local development plan |
| Function | <ol style="list-style-type: none"> 1. Authority to determine if a proposed structure plan complies with r. 16(1) or if further information is required [r. 17(1)]. 2. Authority to determine whether to advertise a proposed structure plan and seek comment from any public authority or utility provider [r. 18(1)]. 3. Authority to consider any submissions made in respect of a proposed structure plan [r. 19(1)]. 4. Authority to prepare a report on the proposed structure plan and provide it to the Commission [r. 20(1)]. 5. Authority to determine if amendment to a Structure Plan requires advertising [r. 29(3)]. 6. Authority to determine if a proposed local development plan complies or if further information is required, and give the applicant an estimate of the fee for dealing with the application under regulation [r. 49(1)]. |

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| Function Continued... | <p>7. Authority to determine whether to advertise a proposed local development plan and seek comment from any public authority or utility service provider [r. 50(1)].</p> <p>8. Authority to consider any submission made in respect of a proposed local development plan [r. 51].</p> <p>9. Authority to determine a local development plan for approval, approval subject to modification or refusal [r. 52(1)].</p> <p>10. Authority to approve a local development plan which provides for further details [r. 53].</p> <p>11. Authority to amend a local development plan [r. 59(1)].</p> <p>12. Authority to determine whether to advertise an amendment of a local development plan [r. 59(4)].</p> |
| Delegates | Chief Executive Officer |
| Conditions | <p>1. Delegation only to be exercised following appropriate consideration of the matters listed under cl. 48 Sch. 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and the local development plan is consistent with the Shire's Town Planning Scheme.</p> <p>2. Authority to not advertise a local development plan can only be exercised where it can be demonstrated it would not adversely impact the owners or occupiers within the area covered by the plan or an adjoining area.</p> <p>3. Authority to determine a Local Development Plan can only be exercised if it is aligned with the relevant Local Planning Policy.</p> |
| Express power to subdelegate | <p><i>Planning and Development (Local Planning) Schemes Regulations 2015</i></p> <ul style="list-style-type: none"> cl. 83 Sch. 2 Local government CEO may delegate powers |
| Subdelegates | Deputy Chief Executive Officer Executive Manager Land, Property and Regulatory Services |
| Subdelegate conditions | Nil |
| Statutory framework | <i>Planning and Development Act 2005</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> |
| Policy | Nil |
| Record keeping | <p>1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>.</p> |

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| Delegation | 09.01.01 Designation of Authorised Officers |
| Category | 09.01 Council to Chief Executive Officer |
| Head of power | 09 Public Health Act 2016 |
| Delegator | Local Government |
| Express power to delegate | <p><i>Public Health Act 2016</i></p> <ul style="list-style-type: none"> • s. 21 <i>Enforcement agency may delegate Health (Asbestos) Regulations 1992</i> • r. 15D(7) <i>Infringement notices</i> |
| Express power or duty delegated | <p><i>Public Health Act 2016</i></p> <ul style="list-style-type: none"> • s. 24(1) and s. 24(3) <i>Designation of authorised officers Health (Asbestos) Regulations 1992</i> • r. 15D(5) <i>Infringement Notices</i> |
| Function | <ol style="list-style-type: none"> 1. Authority to designate a person or class of persons as authorised officers for the purposed of - <ol style="list-style-type: none"> a. The <i>Public Health Act 2016</i> or other specified Act, b. Specified provisions of the <i>Public Health Act 2016</i> or other specified Act, c. Provisions of the <i>Public Health Act 2016</i> or another specified Act, other than the specified provisions of that Act, including - <ol style="list-style-type: none"> i. an environmental health officer or environmental health officers as a class, or ii. a person who is not an environmental health officer or a class of persons who are not environmental health officers, or iii. a mixture of the two [s. 24(3)]. 2. Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purpose of the <i>Criminal Act 2004 Part 2</i> [r. 15D(5)] |
| Delegates | Chief Executive Officer |
| Conditions | <ol style="list-style-type: none"> 1. Persons to be appointed as authorised environmental health officers must satisfy the criteria published in Government Gazette No 22 of 24 January 2017 - <i>Public Health Act 2016 - Guidelines on the Designation of Authorised Officer.</i> 2. Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r. 15D(6)]. |
| Express power to subdelegate | Not provided for. |

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| Statutory framework | <i>Criminal Act 2004</i> <i>Criminal Investigation Act 2006</i> <i>Health (Asbestos) Regulations 1992</i> <i>Public Health Act 2016</i> |
| Policy | Nil |
| Record keeping | <ol style="list-style-type: none"> 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>. 2. A record of each Authorisation is to be retained in the Authorised Persons Register and retained as a Local Government Record. 3. Instruments or Certificates of Authorisation are to be provided to Authorised Persons, and copies of these documents are to be retained in the assigned records management system. |
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| Delegation | AA.01.01 Local Government Act 1995 - Execution of Documents |
| Category | AA.01 Council to Chief Executive Officer |
| Head of power | AA Appointed Authorised Persons and Officers |
| Delegator | Local Government |
| Express power to delegate | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> s. 9.49(A) Execution of documents |
| Function | <ol style="list-style-type: none"> Execute documents and / or deeds on behalf of the Shire. <i>A document may be executed by affixing the common seal or signing by a person or person authorised by the local government.</i> <p><i>Council is not permitted to delegate the function of authorising specific employees to execute documents on its behalf.</i></p> |
| Delegates | Chief Executive Officer |
| Conditions | <ol style="list-style-type: none"> The execution of the document must not be inconsistent with a Council Policy or Council Resolution. Authorisation of the use of the common seal must be in accordance with the relevant Council Policy. |
| Record keeping | <ol style="list-style-type: none"> Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegation in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>. A record of each Authorisation is to be retained in the Authorised Persons Register and retained as a Local Government Record. Instruments or Certificates of Authorisation are to be provided to Authorised Persons, and copies of these documents are to be retained in the assigned records management system. |
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| Delegation | AA.01.02 Planning and Development Act 2005 - Commencing a prosecution for contravening a provision of the planning scheme (s. 218) and commencing a prosecution for failure to comply with directions (s. 214) |
| Category | AA.01 Council to Chief Executive Officer |
| Head of power | AA Appointed Authorised Persons and Officers |
| Delegator | Local Government |
| Express power to delegate | <i>Criminal Procedure Act 2004</i> <ul style="list-style-type: none"> • s. 20 Who can commence prosecution |
| Function | <ol style="list-style-type: none"> 1. Commence a prosecution for a breach of the Local Planning Scheme [s. 218] and commence a prosecution for a failure to comply with directions [s. 214]. <p><i>The Planning and Development Act 2005 is silent on who may bring a prosecution under s. 214 and s. 218, although it states a person who contravenes these sections commits an offence.</i></p> <p><i>The Criminal Procedure Act provides an authorised person in relation to an offence is a person who is authorised to commence a prosecution, in writing, by a public authority.</i></p> |
| Delegates | Chief Executive Officer |
| Conditions | Nil |
| Record keeping | <ol style="list-style-type: none"> 1. Each instance of this appointment being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the Local Government (Administration) Regulations 1996. 2. A record of each Authorisation is to be retained in the Authorised Persons Register and retained as a Local Government Record. 3. Instruments or Certificates of Authorisation are to be provided to Authorised Persons, and copies of these documents are to be retained in the assigned records management system. |
| Date adopted | 12 April 2022 – Ordinary Council Meeting |
| Adoption references | Council Decision – 039/2022 |

| Amendment and Review Table | | | |
|-----------------------------------|-----------------------|--------------------------|-------------------|
| Date | Review Type | Amendment Details | References |
| 13 June 2023 | Council annual review | No change | OCM 102/2023 |
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| Delegation | AA.01.03 Gaming and Wagering Commission Act 1987 - Appointment of Authorised Officer |
| Category | AA.01 Council to Chief Executive Officer |
| Head of power | AA Appointed Authorised Persons and Officers |
| Delegator | Local Government |
| Express power to delegate | <i>Gaming and Wagering Commission Act 1987</i> <ul style="list-style-type: none"> • s. 21(2) Authorised officers, appointment and duties of and reports by • s. 55(3) Approving premises for gaming |
| Function | <ol style="list-style-type: none"> 1. If the Commission requests, the Chief Executive Officer is to be the Authorised Officer. 2. The Chief Executive Officer is authorised to provide, if requested, the relevant reports. |
| Delegates | Chief Executive Officer |
| Conditions | Nil |
| Record keeping | <ol style="list-style-type: none"> 1. Each instance of this appointment being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the Local Government (Administration) Regulations 1996. 2. A record of each Authorisation is to be retained in the Authorised Persons Register and retained as a Local Government Record. 3. Instruments or Certificates of Authorisation are to be provided to Authorised Persons, and copies of these documents are to be retained in the assigned records management system. |
| Date adopted | 12 April 2022 – Ordinary Council Meeting |
| Adoption references | Council Decision – 039/2022 |

| Amendment and Review Table | | | |
|-----------------------------------|-----------------------|--------------------------|-----------------------|
| Date | Review Type | Amendment Details | References |
| 13 June 2023 | Council annual review | No change | OCM 102/2023 |
| 21 December 2023 | CEO annual review | No amendments | Record number 2451054 |
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| Delegation | AA.02.01 Local Government Act 1995 - Appoint Authorised Persons |
| Category | AA.02 Chief Executive Officer to Shire Employees |
| Head of power | AA Appointed Authorised Persons and Officers |
| Delegator | Chief Executive Officer |
| Express power to delegate | Local Government Act 1995 <ul style="list-style-type: none"> s. 9.10 Appointment of authorised persons |
| Express power or duty delegated | As outlined in the Function section. |
| Function | <p><i>Caravan Parks and Camping Grounds Act 1995</i> and subsidiary legislation</p> <ul style="list-style-type: none"> Authorised Person <p><i>Cat Act 2011</i> and subsidiary legislation</p> <ul style="list-style-type: none"> Authorised Person — s.48 <p><i>Cemetries Act 1986</i> and subsidiary legislation</p> <ul style="list-style-type: none"> Authorised Person—s.63 <p><i>Control of Vehicles (Off-road Areas) Act 1978</i> and subsidiary legislation</p> <ul style="list-style-type: none"> Authorised Person—s.38 <p><i>Dog Act 1976</i> and subsidiary legislation</p> <ul style="list-style-type: none"> Authorised Person, generally Registration Officer—s.3 Employee Authorised—s.44(2)(b) <p><i>Litter Act 1979</i> and subsidiary legislation</p> <ul style="list-style-type: none"> Authorised Officer <p><i>Local Government (Miscellaneous Provisions) Act 1960</i></p> <ul style="list-style-type: none"> Poundkeeper and Ranger—s.449 <p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> Authorised Person—Sections 9.11, 9.13, 9.15, 9.16 and 9.24 Authorised Employee—Section 9.31 <p><i>Regulations made under the Local Government Act 1995</i></p> <ul style="list-style-type: none"> Authorised Person/Officer <p>Shire of Ashburton Local Laws</p> <ul style="list-style-type: none"> Authorised Person/Officer |
| Delegates | Coordinator Ranger Services Rangers Environmental Health Officer/s |

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| Conditions | <ol style="list-style-type: none"> 1. All Authorised Persons are to be issued with a Certificate of Authorisation and an identity card and are to produce their identity card whenever required to do so. 2. Prosecutions in a Court of competent jurisdiction under any of the laws mentioned in Function section are not to be commenced without the approval of the Chief Executive Officer. 3. The appointment of the Environmental Health Officers as an Authorised Person/Officer is limited the Shire of Ashburton Health Local Laws and the <i>Caravan Parks and Camping Grounds Act 1995</i> and subsidiary legislation. |
| Express power to subdelegate | Nil |
| Record keeping | <ol style="list-style-type: none"> 1. A record of each Authorisation is to be retained in the Authorised Persons Register and retained as a Local Government Record. 2. Instruments or Certificates of Authorisation are to be provided to Authorised Persons, and copies of these documents are to be retained in the assigned records management system. |
| Date adopted | 12 April 2022 – Ordinary Council Meeting |
| Adoption references | Council Decision – 039/2022 |

| Amendment and Review Table | | | |
|-----------------------------------|--------------------|--|-----------------------|
| Date | Review Type | Amendment Details | References |
| 21 December 2023 | CEO annual review | Updated subdelegates (authorised persons / officers). Updated legislation and conditions | Record number 2451054 |
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| Delegation | AA.02.02 Building Act 2011 – Designate Employees as Authorised Persons |
| Category | AA.02 Chief Executive Officer to Shire Employees |
| Head of power | AA Appointed Authorised Persons and Officers |
| Delegator | Chief Executive Officer |
| Express power to delegate | <i>Building Act 2011</i> <ul style="list-style-type: none"> • s. 127(6A) Delegation: special permit authorities and local government |
| Function | <i>Building Act 2011</i> <ul style="list-style-type: none"> • s. 93(2)(d) Changing building standards, requirements, as to existing buildings • s. 100 Entry powers • s. 102 Obtaining information and documents • s. 103 Use of force and assistance • s. 106 Entry warrant to enter place • s. 109 Execution of warrant (<i>Building Regulations 2012</i>) • r. 53(1) Inspection of barrier to private swimming pool |
| Delegates | Deputy Chief Executive Officer Executive Manager Land, Property and Regulatory Services Manager Regulatory Services Coordinator Planning and Land Planning & Lands Officer Coordinator Ranger Services Environmental Health Support Officer Rangers Employees of the Royal Lifesaving Club of Western Australia, specified in a contract for services with the Shire of Ashburton. |
| Conditions | <ol style="list-style-type: none"> 1. In accordance with s. 97, each authorised person shall have an identity card as described in s. 97(2). 2. All Authorised Persons are required to produce their identity card in accordance with s. 98. 3. In accordance with s. 99 adhere to the limitation on powers of authorised persons. <p>Limitations:</p> <p>The authority of Royal Lifesaving Club of Western Australia employees specified in a contact for services is limited to s.100 and s.103 to achieve an inspection for the purposes of r.53, and for the purposes of s.106 with the prior written approval of the Executive Manager Land, Property and Regulatory Services.</p> |

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| | The Coordinator Ranger Services, Rangers and Environmental Health Support Officer authority under this appointment as authorised persons is specifically limited to s.100 and s.103 where a Shire led program is being undertaken to achieve an inspection for the purposes of r.53. |
| Record keeping | <ol style="list-style-type: none"> 1. A record of each Authorisation is to be retained in the Authorised Persons Register and retained as a Local Government Record. 2. Instruments or Certificates of Authorisation are to be provided to Authorised Persons, and copies of these documents are to be retained in the assigned records management system. |
| Date adopted | 12 April 2022 – Ordinary Council Meeting |
| Adoption references | Council Decision – 039/2022 |

| Amendment and Review Table | | | |
|-----------------------------------|--------------------|---|-----------------------|
| Date | Review Type | Amendment Details | References |
| 21 December 2023 | CEO annual review | Updated list of designated employees as authorised persons and conditions amended | Record number 2451054 |
| 10 January 2024 | CEO updated | Update of designated employees as authorised persons and limitations | Record number 2451101 |
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| Delegation | AA.02.03 Bush Fires Act 1954 - Appoint Bush Fire Control Officer/s |
| Category | AA.02 Chief Executive Officer to Shire Employees |
| Head of power | AA Appointed Authorised Persons and Officers |
| Delegator | Chief Executive Officer |
| Express power to delegate | <p><i>Bush Fires Act 1954</i></p> <ul style="list-style-type: none"> s. 38(1) Local government may appoint Bush Fire Control Officer/s |
| Function | <ol style="list-style-type: none"> Appoint persons to be Bush Fire Control Officers for the purposes of the <i>Bush Fires Act 1954</i>, and <ol style="list-style-type: none"> Of those Officers, appoint the Chief Bush Fire Control Officer and the Deputy Bush Fire Control Officers, and Determine the respective seniority of the other Bush Fire Control Officers so appointed [s. 38(1)]. Appoint a Fire Weather Officer, selected from 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 s. 38(9)] and appoint Deputy Fire Weather Officer/s as considered necessary, and where two (2) or more deputies are appointed, determine seniority [s. 38(10)]. <p>In accordance with s. 38A(2), the Shire must not appoint a Chief Bush Fire Control Officer under s. 38(1) when the designation of the Chief Bush Fire Control Officer has been undertaken by the Fire and Emergency Services Commissioner in accordance with s. 38A(1).</p> <p>Function 2 is subject to the Shire of Ashburton being an approved Local Government and the FES Commissioner publishing the appointment of a fire weather officer and deputy Fire Weather Officer in the Government Gazette.</p> <p>Refer to Delegation 03.01.06 where the CEO has delegated authority to appoint Fire Control and Fire Weather Officers.</p> |
| Delegates | <p>Fire Control Officers (Operational ,Enforcement and Permit Issuing)</p> <ul style="list-style-type: none"> Coordinator Ranger Services and all Rangers <p>Fire Weather Officers</p> <ul style="list-style-type: none"> Coordinator Ranger Services (Ashburton Inland) Ranger, West – (Ashburton Coastal) |

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| Conditions | <ol style="list-style-type: none"> 1. An appointment made under s. 38(1) shall cause a local public notice to be published [s. 38(2A)]. 2. Records of names, addresses, and usual occupations are to be maintained for all appointed Bush Fire Control Officers [s. 50(1)(b)]. 3. Appointments of Fire Weather Officers to be published in the Government Gazette by the FES Commissioner. 4. Each appointed Bush Fire Control Officer must be assigned a category (Operational, Permit Issuing or Enforcement) and may only carry out those functions assigned to their category as follows - <ul style="list-style-type: none"> • Operational Bush Fire Control Officer (Part IV, Division 1) • Enforcement Bush Fire Control Officer (Part III, Division 5 and s. 39) • Permit Issuing Bush Fire Control Officer (Part III, Division 6 and Part IV, Division 1) |
| Record keeping | <ol style="list-style-type: none"> 1. A record of each Authorisation is to be retained in the Authorised Persons Register and retained as a Local Government Record. 2. Instruments or Certificates of Authorisation are to be provided to Authorised Persons, and copies of these documents are to be retained in the assigned records management system. |
| Date adopted | Ordinary Council Meeting – 12 April 2022 |
| Adoption references | Council Decision – 039/2022 |

| Amendment and Review Table | | | |
|-----------------------------------|--------------------|---|-----------------------|
| Date | Review Type | Amendment Details | References |
| 21 December 2023 | CEO annual review | Updated Fire Control Officers and Fire Weather Officer appointments. Amended conditions and recordkeeping requirements. | Record number 2451054 |
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| Delegation | AA.02.04 Dog Act 1976 - Authorise Registration Officers |
| Category | AA.02 Chief Executive Officer to Shire Employees |
| Head of power | AA Appointed Authorised Persons and Officers |
| Delegator | Chief Executive Officer |
| Express power to delegate | <i>Dog Act 1976</i> <ul style="list-style-type: none"> s. 3 Registration officer |
| Function | <ol style="list-style-type: none"> Perform functions in the <i>Dog Act 1976</i> related to the registration of dogs. The following functions are performed under authorisation - <ul style="list-style-type: none"> s. 16(2a) Register a dog s. 16(3A) Cancel a registration of a person banned from owning or keeping a dog under s. 46 s. 16(3c) Cancel a registration if a dog has died s. 16(6) Provide the registration certificate. |
| Delegates | Business Administration Trainee Coordinator Ranger Services Customer Service Officer – Onslow Customer Service Officer – Tom Price Deputy Chief Executive Officer Executive Manager Land, Property and Regulatory Services Library Officer – Onslow Library Officer – Pannawonica Library Officer – Paraburdoo Manager Libraries Manager Regulatory Services Ranger Records and Customer Service Coordinator Records Officer |
| Conditions | <ol style="list-style-type: none"> Registration Officers shall be provided with an identification card in accordance with s. 11(3) of the <i>Dog Act 1976</i> and Form 1 of the <i>Dog Regulations 2013</i>. |
| Record keeping | <ol style="list-style-type: none"> A record of each Authorisation is to be retained in the Authorised Persons Register and retained as a Local Government Record. Instruments or Certificates of Authorisation are to be provided to Authorised Persons, and copies of these documents are to be retained in the assigned records management system. |
| Date adopted | 12 April 2022 |
| Adoption references | Council Decision – 039/2022 |
| Last reviewed | 12 April 2022 |

| Amendment and Review Table | | | |
|-----------------------------------|--------------------|---|-----------------------|
| Date | Review Type | Amendment Details | References |
| 15 August 2023 | CEO review | Amended list of sub-delegates - appointed Dog Registration officers | Record number 2350219 |
| 21 December2023 | CEO annual review | Recordkeeping requirements amended. | Record number 2451054 |
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| Delegation | AA.02.05 Food Act 2008 - Appoint Authorised Officers and Designated Officers |
| Category | AA.02 Chief Executive Officer to Shire Employees |
| Head of power | AA Appointed Authorised Persons and Officers |
| Delegator | Chief Executive Officer |
| Express power to delegate | <i>Food Act 2008</i> <ul style="list-style-type: none"> s. 122 Appointment of authorised officers |
| Function | <ul style="list-style-type: none"> Authority to enter, inspect and seize [s.38] Power of seizure Application for warrant to enter premises [s. 41] Seized items [s. 49] Destruction of filthy, decomposed or putrid matter [s. 51] Grounds for serving improvement notice [s.62] Extend the period for action to be taken in accordance with the notice [s. 64] (Compliance with improvement notice [s.64] (Taking of samples [s. 74, s. 75, s. 76, s. 77, s. 78, and s. 79] Issue infringement notices [s.126(2)] 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)] Designated Officer for the purposes of issuing infringement notices under the <i>Food Act 2008</i> [s. 126(13)] |
| Delegates | Environmental Health Officer |
| Conditions | <ol style="list-style-type: none"> In accordance with s. 118(3)(b) this authorisation is subject to relevant Department of Health Guidelines, as amended from time to time. Appointment of Authorised Officers - Appointment of persons to assist with the discharge of duties of an Authorised Officer. |

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| Record keeping | <ol style="list-style-type: none"> 1. A record of each Authorisation is to be retained in the Authorised Persons Register and retained as a Local Government Record. 2. Instruments or Certificates of Authorisation are to be provided to Authorised Persons, and copies of these documents are to be retained in the assigned records management system. |
| Date adopted | 12 April 2022 – Ordinary Council Meeting |
| Adoption references | Council Decision – 039/2022 |

| Amendment and Review Table | | | |
|-----------------------------------|--------------------|--|-----------------------|
| Date | Review Type | Amendment Details | References |
| 21 December 2023 | CEO annual review | Updated list of authorised persons. Recordkeeping requirements amended | Record number 2451054 |
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| Delegation | AA.02.06 Planning and Development (Local Planning Schemes) Regulations 2015 - Entry and Inspection Powers |
| Category | AA.02 Chief Executive Officer to Shire Employees |
| Head of power | AA Appointed Authorised Persons and Officers |
| Delegator | Chief Executive Officer |
| Express power to delegate | <i>Planning and Development (Local Planning) Schemes Regulations 2015</i> <ul style="list-style-type: none"> Part 10 Div. 1 r. 79(1) |
| Function | <ol style="list-style-type: none"> As per Part 10 Div. 1 r. 79(2) and authorised officer may, for the purpose of monitoring whether the local planning scheme is being complied with, at any reasonable time, and with any assistance reasonably required - <ol style="list-style-type: none"> enter any building or land in the Scheme area, and inspect the building or land and anything in, or on, the building or land. |
| Delegates | Deputy Chief Executive Officer Executive Manager Land, Property and Regulatory Services Coordinator Planning and Lands Planning and Lands Officer |
| Conditions | Nil |
| Record keeping | <ol style="list-style-type: none"> A record of each Authorisation is to be retained in the Authorised Persons Register and retained as a Local Government Record. Instruments or Certificates of Authorisation are to be provided to Authorised Persons, and copies of these documents are to be retained in the assigned records management system. |
| Date adopted | 12 April 2022 – Ordinary Council Meeting |
| Adoption references | Council Decision – 039/2022 |

| Amendment and Review Table | | | |
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| Date | Review Type | Amendment Details | References |
| 21 December 2023 | CEO annual review | Updated list of authorised persons. Recordkeeping requirements amended | Record number 2451054 |
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| Delegation | AA.02.07 Freedom of Information Act 1992 |
| Category | AA.02 Chief Executive Officer to Shire Employees |
| Head of power | AA Appointed Authorised Persons and Officers |
| Delegator | Chief Executive Officer |
| Express power to delegate | <i>Freedom of Information Act 1992</i> <ul style="list-style-type: none"> s. 100 Who in agency makes decisions |
| Function | 1. The authority to determine decisions made under the <i>Freedom of Information Act 1992</i> [s. 100(1)(b)]. |
| Delegates | Records and Customer Service Coordinator Manager Governance |
| Conditions | 1. The Records and Customer Service Coordinator is responsible for all decisions made under the <i>Freedom of Information Act 1992</i> [s. 100(1)(b)], excluding internal reviews conducted per s. 39. 2. Internal reviews conducted per s.39 – Manager Governance Assessment of applications is to be conducted in accordance with s. 30 Notice under s. 13(1)(b) of decision, form etc. of |
| Record keeping | 1. A record of each Authorisation is to be retained in the Authorised Persons Register and retained as a Local Government Record. |
| Date adopted | 12 April 2022 – Ordinary Council Meeting |
| Adoption reference | Council Decision – 039/2022 |

| Amendment and Review Table | | | |
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| Date | Review Type | Amendment Details | References |
| 21 December 2023 | CEO annual review | Updated list of authorised persons. Recordkeeping requirements amended | Record number 2451054 |
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| Delegation | AA.02.08 Public Health Act 2016 - Delegation of Authorised Officers |
| Category | AA.02 Chief Executive Officer to Shire Employees |
| Head of power | AA Appointed Authorised Persons and Officers |
| Delegator | Chief Executive Officer |
| Express power to delegate | <i>Public Health Act 2016</i> <ul style="list-style-type: none"> • s. 24 Designation of authorised officers |
| Function | Designated as an authorised officer for the purposes of - <ol style="list-style-type: none"> 1. Part 8, Part 9, Part 14 and Part 16 of the <i>Public Health Act 2016</i>, 2. s. 145(1), s. 157(2), s. 173 (paragraph (a) of the definition of authorised person), s. 181, s. 183, s. 184(1), s. 227(1), s. 228(1), s. 234(1), s. 257, s. 262(3), s. 265(1), s. 267(1)(c), s. 268 (a), s. 277(1)(b), s. 277(3), s. 280(2), s. 349(1), s. 351(1), s. 351(2), s. 351(5), s. 352(1), s. 352 (2), s. 358(2) and s. 375, and 3. the <i>Tobacco Products Control Act 2006</i>. |
| Delegates | Environmental Health Officer |
| Conditions | <ol style="list-style-type: none"> 1. In accordance with s. 118(3)(b), this delegation is subject to relevant Department of Health Guidelines, as amended from time to time. 2. A Certificate of Authority as an authorised officer must be issued [s.30]. |
| Record keeping | <ol style="list-style-type: none"> 1. A record of each Authorisation is to be retained in the Authorised Persons Register and retained as a Local Government Record. 2. Instruments or Certificates of Authorisation are to be provided to Authorised Persons, and copies of these documents are to be retained in the assigned records management system. |

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| Date adopted | 12 April 2022 – Ordinary Council Meeting |
| Adoption reference | Council Decision – 039/2022 |

| Amendment and Review Table | | | |
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| Date | Review Type | Amendment Details | References |
| 21 December 2023 | CEO annual review | Updated authorised persons | Record number 2451054 |
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| Delegation | AA.02.09 Public Interest Disclosure Act 2003 - Public Interest Disclosure Officer |
| Category | AA.02 Chief Executive Officer to Shire Employees |
| Head of power | AA Appointed Authorised Persons and Officers |
| Delegator | Chief Executive Officer |
| Express power to delegate | <i>Public Interest Disclosure Act 2003</i> <ul style="list-style-type: none"> s. 23(1)(a) Principal executive officer of public authority, duties of |
| Function | 1. The Principal Executive Officer (Chief Executive Officer) designates the occupant of a specified position within the authority as the person responsible for receiving disclosures of public interest information. |
| Delegate | Director Corporate Services |
| Conditions | 1. Annual reporting of information is to be done in accordance with the <i>Public Interest Disclosure Act 2003</i> and any other applicable legislation. |
| Record keeping | 1. A record of each Authorisation (designation as a Public Interest Disclosure Officer) is to be retained in the Authorised Persons Register and retained as a local government record in the records management system. 2. The Public Sector Commission is to be advised in writing of appointments. |
| Date adopted | 12 April 2022 – Ordinary Council Meeting |
| Adoption reference | Council Decision – 039/2022 |

| Amendment and Review Table | | | |
|-----------------------------------|--------------------|--------------------------------------|-----------------------|
| Date | Review Type | Amendment Details | References |
| 21 December 2023 | CEO annual review | Amended record keeping requirements. | Record number 2451054 |
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| Delegation | AA.02.10 Fines, Penalties and Infringement Notices Enforcement Act 1994 – Designation of Authorised Officers - Prosecuting Officers |
| Category | AA.02 Chief Executive Officer to Shire Employees |
| Head of power | AA Appointed Authorised Persons and Officers |
| Delegator | Chief Executive Officer |
| Express power to delegate | <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i> <ul style="list-style-type: none"> s.13(3) Approved prosecuting authorities and officers |
| Function | <ul style="list-style-type: none"> s.13.(2) Give the Registrar written notice of designated prosecuting officer/s for the purpose of section 16 and s.22, and amend from time to time, as required (s.13(3)) s. 16(1) Register an infringement notice with the Registry s. 22(1) Withdraw proceedings after final demand been sent in respect of an infringement notice r. 11A Giving documents to the Registry via Electronic Case Management Systems. |
| Delegate | Deputy Chief Executive Officer Executive Manager Land, Property and Regulatory Services Coordinator Ranger Services Manager Regulatory Services Ranger/s |
| Conditions | <ol style="list-style-type: none"> 1. Authorised Prosecutions Officers must ensure they have written permission from either the Executive Manager Land, Property and Regulatory Services, the Deputy Chief Executive Officer or the Chief Executive Officer before withdrawing proceedings in accordance with s. 22 of the Fines, Penalties and Infringement Notices Enforcement Act 1994. 2. Approved users are to ensure compliance with r. 11A(2), r. 11A(3) and r. 11A(4) of the Fines, Penalties and Infringement Notices Enforcement Regulations 1994. |
| Record keeping | <ol style="list-style-type: none"> 1. A <i>record</i> of each Authorisation is to be retained in the Authorised Persons Register and retained as a Local Government Record. |

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| Date adopted | 12 April 2022 – Ordinary Council Meeting |
| Adoption references | Council Decision – 039/2022 |

| Amendment and Review Table | | | |
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| Date | Review Type | Amendment Details | References |
| 21 December 2023 | CEO annual review | Functions and record keeping requirements updated. Amended list of prosecuting officers | Record number 2451054 |
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| Delegation | AA.02.11 Planning and Development Act 2005 - Issue and Vary Infringement Notices |
| Category | AA.02 Chief Executive Officer to Shire Employees |
| Head of power | AA Appointed Authorised Persons and Officers |
| Delegator | Chief Executive Officer |
| Express power to delegate | <i>Planning and Development Act 2005</i> <ul style="list-style-type: none"> s. 234(1) Delegated-persons, appointment of |
| Function | <ul style="list-style-type: none"> s. 228 Giving of infringement notice s. 230 Extending time to pay modified penalty s. 231 Withdrawal of infringement notice |
| Delegates | Deputy Chief Executive Officer Executive Manager Land, Property and Regulatory Services |
| Conditions | The delegated (authorised) persons specified may not withdraw infringement notices they have issued. |
| Record keeping | <ol style="list-style-type: none"> A record of each Authorisation is to be retained in the Authorised Persons Register and retained as a Local Government Record. Instruments or Certificates of Authorisation are to be provided to Authorised Persons, and copies of these documents are to be retained in the assigned records management system. |
| Date adopted | 12 April 2022 – Ordinary Council Meeting |
| Adoption reference | Council Decision – 039/2022 |

| Amendment and Review Table | | | |
|-----------------------------------|--------------------|--|-----------------------|
| Date | Review Type | Amendment Details | References |
| 21 December 2023 | CEO annual review | Functions and record keeping requirements updated. Amended list of authorised officers | Record number 2451054 |
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| Delegation | AA.02.12 Wittenoom Legal Claims |
| Category | AA.02 Chief Executive Officer to Shire Employees |
| Head of power | AA Appointed Authorised Persons and Officers |
| Delegator | Chief Executive Officer |
| Express power to delegate | Local Government Act 1995 s. 9.29 (1)(b) Representing local government in court |
| Function | Authority to provide instructions to Shire Solicitors specifically in relation to Wittenoom based asbestos claims against the Shire of Ashburton, and to settle those claims. |
| Delegate | Director Corporate Services |
| Conditions | Limit of Shire of Ashburton's portion of claim able to be settled to be either: <ol style="list-style-type: none"> 1. Maximum of \$125,000; or 2. a portion not greater than 12.5% of the claim. <p>Before settling a claim where legal advice recommends such action, the authorised employee is to consult with the CEO.</p> |
| Record keeping | <ol style="list-style-type: none"> 1. All documents relating to any claims submitted or determined are to be recorded in the Shire's record keeping system in accordance with the Recordkeeping Plan. |
| Date adopted | 21 December 2023 |
| Adoption references | Record Number – 2451054 |

| Amendment and Review Table | | | |
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| Date | Review Type | Amendment Details | References |
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| Delegation | AA.04.01 Local Government Act 1995 - Execution of Documents |
| Category | AA.04 Council to Others |
| Head of power | AA Appointed Authorised Persons and Officers |
| Delegator | Local Government |
| Express power to delegate | <p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> s. 9.49A(4) Execution of documents |
| Function | <p>1. Execute documents and / or deeds on behalf of the Shire. <i>A document may be executed by affixing the common seal or signing by a person or persons authorised by the local government.</i></p> <p><i>Council is not permitted to delegate the function of authorising a person to sign documents on behalf of the local government, however may authorise specific employees to execute documents on its behalf.</i></p> |
| Delegates | <p>Deputy Chief Executive Officer Director Community Development Director Corporate Services Director Infrastructure Services</p> |
| Conditions | <ol style="list-style-type: none"> The execution of the document must not be inconsistent with a Council Policy or Council Resolution. Authorisation of the use of the common seal must be in accordance with the relevant Council Policy. This appointment is restricted to executing documents which are to a value of \$250,000 or less. |
| Record keeping | <ol style="list-style-type: none"> Each instance of this appointment being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>. A record of each Authorisation is to be retained in the Authorised Persons Register and retained as a Local Government Record. Instruments or Certificates of Authorisation are to be provided to Authorised Persons, and copies of these documents are to be retained in the assigned records management system. |

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| Date adopted | 12 April 2022 – Ordinary Council Meeting |
| Adoption reference | Council Decision – 039/2022 |

| Amendment and Review Table | | | |
|-----------------------------------|-----------------------|-------------------------------------|-------------------|
| Date | Review Type | Amendment Details | References |
| 13 June 2023 | Council annual review | Updated list of persons authorised. | OCM102/2023 |
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| Delegation | AA.04.02 Health (Miscellaneous Provisions) Act 1911 - Powers of Local Government – Appointment of Authorised Persons |
| Category | AA.04 Council to Others |
| Head of power | AA Appointed Authorised Persons and Officers |
| Delegator | Local Government |
| Express power to delegate | <ul style="list-style-type: none"> • <i>s.26 – Powers of Local Government – Health (Miscellaneous Provisions) Act 1911</i> |
| Function | 1. Appointment of such persons for the purpose of discharging all or any of the powers and functions of the local government under the Health (Miscellaneous Provisions) Act 1911 and its subsidiary legislation. |
| Delegate | Chief Executive Officer Deputy Chief Executive Officer Executive Manager Land, Property and Regulatory Services Manager Regulatory Services Environmental Health Officer |
| Conditions | <ol style="list-style-type: none"> 1. Commence legal proceedings under the Health (Miscellaneous Provisions) Act 1911 and associated regulations and local laws. 2. Serve health orders in connection with requirements and repairs to businesses, shops and dwellings in accordance with the provisions of s. 354 of the Health (Miscellaneous Provisions) Act 1911. 3. Undertake delegations with respect to the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974. 4. Order premises within the Shire to be connected to sewer mains when such mains are available [s. 72 Health Act 1911]. 5. Sign and issue licences and registrations issued under the <i>Health (Miscellaneous Provisions) Act 1911</i>. 6. Approvals for larger events and gatherings requiring risk management plans under the Health (Public Building) Regulations 1992 may only be done following discussion with the Chief Executive Officer. 7. Not to expend funds for the carrying out of works in default of a notice served without separate budget approval by Council. 8. The Environmental Health Officer is not permitted to commence legal proceedings. |

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| Record keeping | <ol style="list-style-type: none"> 1. Each instance of undertaking a function of this delegation it is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the Local Government (Administration) Regulations 1996. 2. A record of each Authorisation is to be retained in the Authorised Persons Register and retained as a Local Government Record. 3. Instruments or Certificates of Authorisation are to be provided to Authorised Persons, and copies of these documents are to be retained in the assigned records management system. |
| Date adopted | 12 April 2022 – Ordinary Council Meeting |
| Adoption references | Council Decision – 039/2022 |

| Amendment and Review Table | | | |
|-----------------------------------|-----------------------|---|-------------------|
| Date | Review Type | Amendment Details | References |
| 13 June 2023 | Annual council review | Updated statutory references to clearly the express power to delegate (appoint). Updated the list of delegates (appointees) and simplified the reference to the <i>Health (Miscellaneous Provisions) Act 1977</i> generally, to include subsidiary legislation made. Conditions and recordkeeping requirements updated. | OCM 102/2023 |
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| Delegation | AA.04.04 Litter Act 1979 – Appointment of Authorised Officers to Withdraw Infringement Notices |
| Category | AA.04 Council to Others |
| Head of power | AA Appointed Authorised Persons and Officers |
| Delegator | Local Government |
| Express power to delegate | <i>Litter Act 1979</i> <ul style="list-style-type: none"> s. 30(4) and 30 (4a) Infringement notices |
| Function | 1. To approve the withdrawal of infringement notices issued under the <i>Litter Act 1979</i> in accordance with s. 30(4). |
| Delegate | Chief Executive Officer Deputy Chief Executive Officer Executive Manager Land, Property and Regulatory Services Manager Regulatory Services |
| Conditions | 1. This authority cannot be sub-delegated. |
| Record keeping | <ol style="list-style-type: none"> Each instance of this appointment being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>. A record of each Authorisation is to be retained in the Authorised Persons Register and retained as a Local Government Record. Instruments or Certificates of Authorisation are to be <i>provided</i> to Authorised Persons, and copies of these documents are to be retained in the assigned records management system. |
| Date adopted | 12 April 2022 – Ordinary Council Meeting |
| Adoption reference | Council Decision – 039/2022 |

| Amendment and Review Table | | | |
|-----------------------------------|-----------------------|--|-------------------|
| Date | Review Type | Amendment Details | References |
| 13 June 2023 | Annual council review | Updated authorised persons (delegates) | OCM102/2023 |
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| Delegation | AA.04.05 Control of Vehicles (Off-Road Areas) Act 1978 - Appointment of Authorised Persons to Withdraw Infringement Notices |
| Category | AA.04 Council to Others |
| Head of power | AA Appointed Authorised Persons and Officers |
| Delegator | Local Government |
| Express power to delegate | <i>Control of Vehicles (Off-Road Areas) Act 1978</i> <ul style="list-style-type: none"> s. 37(5) Person authorised by the local government to withdraw an infringement notice |
| Function | 1. Withdraw an infringement notice within twenty-eight (28) days after the service of the notice. |
| Delegate | Persons Authorised: Deputy Chief Executive Officer Executive Manager Land Property and Regulatory Services Manager Regulatory Services |
| Conditions | 1. Withdrawal of infringements are to be notified to the Chief Executive Officer by memo. |
| Record keeping | <ol style="list-style-type: none"> Each instance of this appointment being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>. A record of each Authorisation is to be retained in the Authorised Persons Register and retained as a Local Government Record. Instruments or Certificates of Authorisation are to be provided to Authorised Persons, and copies of these documents are to be retained in the assigned records management system. |
| Date adopted | 12 April 2022 – Ordinary Council Meeting |
| Adoption references | Council Decision – 039/2022 |

| Amendment and Review Table | | | |
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| Date | Review Type | Amendment Details | References |
| 13 June 2023 | Annual council review | Updated persons authorised (delegates) to withdrawn infringement notices | OCM102/2023 |
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| Delegation | AA.04.06 Local Government Act 1995 - Power to Remove and Impound |
| Category | AA.04 Council to Others |
| Head of power | AA Appointed Authorised Persons and Officers |
| Delegator | Local Government |
| Express power to delegate | <p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • s. 3.39 Power to remove and impound |
| Function | <ol style="list-style-type: none"> 1. Authorise employees to remove and impound any goods which are involved in a contravention which can lead to impounding. |
| Delegates | <p>Employees authorised:</p> <ul style="list-style-type: none"> Deputy Chief Executive Officer Director Infrastructure Services Manager Regulatory Services Coordinator Ranger Services Environmental Health Officer Ranger |
| Conditions | <p>The related powers apply –</p> <ul style="list-style-type: none"> • s. 3.40A(4) Abandoned vehicle wreck may be taken • s. 3.42 Impounded non-perishable goods • s. 3.44 Notice to collect goods if not confiscated • s. 3.46 Goods may be withheld until costs paid. <p>The Environmental Health Officer may only remove and impound a goods which are involved in a contravention of the <i>Health Local Law 2013</i>, as prescribed.</p> |
| Record keeping | <ol style="list-style-type: none"> 1. Each instance of this appointment being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>. 2. A record of each Authorisation is to be retained in the Authorised Persons Register and retained as a Local Government Record. 3. Instruments or Certificates of Authorisation are to be provided to Authorised Persons, and copies of these documents are to be retained in the assigned records management system. |

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| Date adopted | 12 April 2022 |
| Adoption reference | Council Decision – 039/2022 |

| Amendment and Review Table | | | |
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| Date | Review Type | Amendment Details | References |
| 13 June 2023 | Annual council review | Updated authorised employees and conditions. | OCM 102/2023 |
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| Delegation | AA.04.07 Authorising Persons - Liquor Control Act 1988 |
| Category | AA.04 Council to Others |
| Head of power | AA Appointment of Authorised Persons |
| Delegator | Local Government |
| Express power to delegate | <p>Liquor Control Act 1988 (the Act)</p> <ul style="list-style-type: none"> • s.69(8) Advertising, referring investigating and intervening in applications – Authorising persons |
| Function | <ol style="list-style-type: none"> 1. Applications referred under sections 69, 73 and 74 of the Act. Intervene in proceedings before the licensing authority for the purpose of introducing evidence or making representations in relation to the requirements of — <ol style="list-style-type: none"> (a) the Health (Miscellaneous Provisions) Act 1911 or (aa) the Food Act 2008; or (b) any written law relating to sewerage or drainage; or (c) the <i>Local Government Act 1995</i> or the <i>Building Act 2011</i>, <p>in so far as that Act relates to health matters, and may submit a report to the licensing authority on those matters.</p> 2. Applications referred under section 39 of the Act. Provide a certificate to the Licensing Authority whether or not the premises that is subject to an application complies with all relevant requirements of — <ol style="list-style-type: none"> (a) the Health (Miscellaneous Provisions) Act 1911; and (aa) the Food Act 2008; and (b) any written law relating to sewerage or drainage; and (c) the <i>Local Government Act 1995</i>; and (d) the <i>Building Act 2011</i>, and <p>where the premises do not so comply, the manner in which the premises could be made to comply or that the premises could not reasonably be made to comply.</p> 3. Applications referred under section 40 of the Act. Provide a certificate (of a planning authority as to whether use of premises complies with planning laws) to the Licensing Authority whether or not the premises that is subject to an application stating that the proposed use of the premises: <ol style="list-style-type: none"> (a) will comply with the requirements of the written laws relating to planning specified; or |

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| Function Continued... | <p>(b) would comply with the requirements specified if consent were to be given by a specified authority, if it is known whether that authority will give the consent, and what specified conditions or specifications should be, or are likely to be, imposed; or</p> <p>(c) will not comply with the requirements specified for the reasons specified.</p> |
| Delegate | <p>Chief Executive Officer Coordinator Planning and Lands Deputy Chief Executive Officer Environmental Health Officer Executive Manager Land, Property and Regulatory Services Manager Regulatory Services Planning & Lands Officer</p> |
| Conditions | <ol style="list-style-type: none"> 1. Manager Regulatory Services and Environmental Health Officer not permitted to deal with applications under sections 40. 2. Coordinator Planning and Lands limited to providing responses to applications under section 40. 3. Planning and Lands Officer limited to providing responses to applications under section 40, subject to prior consultation with an approved delegate. |
| Record keeping | <ol style="list-style-type: none"> 1. Each instance of this appointment being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>. 2. A record of each Authorisation is to be retained in the Authorised Persons Register and retained as a Local Government Record. 3. Instruments or Certificates of Authorisation are to be provided to Authorised Persons, and copies of these documents are to be retained in the assigned records management system. |
| Date adopted | 13 June 2023 – Ordinary Council Meeting |
| Adoption reference | Council Decision – OCM 102/2023 |

| Amendment and Review Table | | | |
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| Date | Review Type | Amendment Details | References |
| 13 June 2023 | Annual council review | Council appointed authorised persons | COM102/2023 |
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| Delegation | AA.06.01 Environmental Protection Act 1986, Environmental Protection (Noise) Regulations 1997 |
| Category | AA.06 External Government Entity to Shire Employees |
| Head of power | AA Appointed Authorised Persons and Officers |
| Delegator | Department of Water and Environmental Regulation |
| Express power to delegate | <i>Environmental Protection Act 1986 (the EP Act)</i> <ul style="list-style-type: none"> • s. 87 Authorised person, appointment of • s. 88 Inspectors, appointment and purposes of |
| Function | <ol style="list-style-type: none"> 1. Authority to appoint persons to be Authorised Persons for the purposes of the <i>Environmental Protection Act 1986</i> [s. 87]. 2. Authority to appoint persons to be an Inspector for the purposes of the <i>Environmental Protection Act 1986</i> [s. 87]. |
| Delegate | Environmental Health Officer |
| Conditions | Limitations on this appointment: The ability to stop, search and inspection of vehicles powers under section 91A, or the use of assistance and force powers under section 89A of the EP Act is not granted. |
| Date adopted | 12 April 2022 |
| Adoption references | Council Decision 039/2022 |

| Amendment and Review Table | | | |
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| Date | Review Type | Amendment Details | References |
| 13 June 2023 | Annual council review | Updated appointment of Authorised Person and updated conditions | OCM 102/2032 |
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| Delegation | EE.05.01 Environmental Protection Act 1986, Environmental Protection (Noise) Regulations 1997 |
| Category | EE.05 External Government Entity to Chief Executive Officer |
| Head of power | EE External Government Entities |
| Delegator | Department of Water and Environmental Regulation |
| Express power to delegate | <i>Environmental Protection Act 1986</i> <ul style="list-style-type: none"> s. 20 Delegation by CEO |
| Express power or duty delegated | <i>Environmental Protection Act 1986</i> <ul style="list-style-type: none"> s. 65(1) Environmental protection notices, issue and effect of Part V Environmental regulation |
| Function | <ol style="list-style-type: none"> Authority to give to the owner or the occupier, or both the owner and the occupier, of the premises an environmental protection notice in respect of the premises [s. 65(1)]. Authority to use all powers and duties of the Chief Executive Officer in respect of an environmental protection notice issued under s. 65(1) [Part V]. <p><i>Note - For full disclosure refer to Government Gazette, Issue 47, 19 March 2004, page 919 (Delegation No: 52)</i></p> |
| Delegate | Chief Executive Officer |
| Conditions | <ol style="list-style-type: none"> All the powers and duties of the Chief Executive Officer of the Department of Water and Environmental Regulation, where any noise is being or is likely being emitted from any premises not being premises licenced under the <i>Environmental Protection Act 1986</i>, to serve an environmental protection notice under s. 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer of the Department of Water and Environmental Regulation under Part V of the <i>Environmental Protection Act 1986</i>. |
| Statutory framework | <i>Environmental Protection Act 1986</i> <i>Environmental Protection (Noise) Regulations 1997</i> |

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| Record keeping | <ol style="list-style-type: none"> 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>. 2. A record of each Authorisation is to be retained in the Authorised Persons Register and retained as a Local Government Record. 3. Instruments or Certificates of Authorisation are to be provided to Authorised Persons, and copies of these documents are to be retained in the assigned records management system. |
| Date adopted | 12 April 2022 – Ordinary Council Meeting |
| Adoption references | Council Decision – 039/2022 |

| Amendment and Review Table | | | |
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| Date | Review Type | Amendment Details | References |
| 13 June 2023 | Annual council review | No change | OCM 102/2023 |
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| Delegation | EE.05.02 Environmental Protection Act 1986, Environmental Protection (Noise) Regulations 1997 |
| Category | EE.05 External Government Entity to Chief Executive Officer |
| Head of power | EE External Government Entities |
| Delegator | Department of Water and Environmental Regulation |
| Express power to delegate | <i>Environmental Protection Act 1986</i> <ul style="list-style-type: none"> • s. 20 Delegation by CEO |
| Express power or duty delegated | <i>Environmental Protection (Noise) Regulations 1997</i> <ul style="list-style-type: none"> • r. 13 Construction sites |
| Function | 1. Authority to require an occupier of a construction site to prepare a noise management plan and, by written notice to the occupier, designate a measure in the plan to be ancillary [r. 13]. <i>Note - For full disclosure refer to Government Gazette, Issue 71, 16 May 2014, page 1548. (Delegation No: 119)</i> |
| Delegates | Chief Executive Officer |
| Conditions | 1. All the powers and duties of the Chief Executive Officer of the Department of Water and Environmental Regulation, where any noise is being or is likely being emitted from any premises not being premises licenced under the <i>Environmental Protection Act 1986</i> , to serve an environmental protection notice under s. 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer of the Department of Water and Environmental Regulation under Part V of the <i>Environmental Protection Act 1986</i> . 2. Any employee of the Shire who is appointed as an Authorised Person under the s. 87 of the <i>Environmental Protection Act 1985</i> is also delegated this authority. |
| Statutory framework | <i>Environmental Protection Act 1986</i> <i>Environmental Protection (Noise) Regulations 1997</i> |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . 2. A record of each Authorisation is to be retained in the Authorised Persons Register and retained as a Local Government Record. |

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| Record keeping Continued.... | 3. Instruments or Certificates of Authorisation are to be provided to Authorised Persons, and copies of these documents are to be retained in the assigned records management system. |
| Date adopted | 12 April 2022 – Ordinary Council Meeting |
| Adoption references | Council Decision – 039/2022 |

| Amendment and Review Table | | | |
|-----------------------------------|-----------------------|--------------------------|-------------------|
| Date | Review Type | Amendment Details | References |
| 13 June 2023 | Annual council review | No change | OCM 102/2023 |
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| Delegation | EE.05.03 Environmental Protection Act 1986, Environmental Protection (Noise) Regulations 1997 |
| Category | EE.05 External Government Entity to Chief Executive Officer |
| Head of power | EE External Government Entities |
| Delegator | Department of Water and Environmental Regulation |
| Express power to delegate | <i>Environmental Protection Act 1986</i> <ul style="list-style-type: none"> s. 20 Delegation by CEO |
| Express power or duty delegated | <i>Environmental Protection Act 1986</i> <ul style="list-style-type: none"> s. 87 Authorised persons, appointment of s. 88 Inspectors, appointment and purposes of |
| Function | <ul style="list-style-type: none"> Authority to appoint persons to be Authorised Persons for the purposes of s.87. Authority to appoint persons to be an Inspector for the purposes of s.88. |
| Delegates | Chief Executive Officer |
| Statutory framework | <i>Environmental Protection Act 1986</i> |
| Record keeping | <ol style="list-style-type: none"> Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>. A record of each Authorisation is to be retained in the Authorised Persons Register and retained as a Local Government Record. Instruments or Certificates of Authorisation are to be provided to Authorised Persons, and copies of these documents are to be retained in the assigned records management system. |
| Date adopted | 12 April 2022 – Ordinary Council Meeting |
| Adoption references | Council Decision – 039/2022 |

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| Date | Review Type | Amendment Details | References |
| 13 June 2023 | Annual council review | No change | OCM 102/2023 |
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| Delegation | EE.05.04 Planning and Development Act 2005 |
| Category | EE.05 External Government Entity to Chief Executive Officer |
| Head of power | EE External Government Entities |
| Delegator | Department of Lands |
| Express power to delegate | <i>Planning and Development Act 2005</i> <ul style="list-style-type: none"> s. 267A Crown and State land, who may sign documents as to |
| Express power or duty delegated | <i>Planning and Development Act 2005</i> <ul style="list-style-type: none"> Column One (1) of the Schedule |
| Function | 1. Authority to sign as owner in respect of Crown Land which is a reserve managed by the local government, in respect of s. 99(2), s. 103(2), s. 115, s. 122A, s. 162, s. 163 and s. 171A. <i>Note - For full disclosure refer to AUTH 2016/2 - Authorisation Instrument from the Minister for Land (Department of Lands File 1738/2002v8; 858/2001v9).</i> |
| Delegates | Chief Executive Officer |
| Conditions | 1. Column Three (3) of the Schedule. |
| Statutory framework | <i>Planning and Development Act 2005</i> |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . 2. A record of each Authorisation is to be retained in the Authorised Persons Register and retained as a Local Government Record. 3. Instruments or Certificates of Authorisation are to be provided to Authorised Persons, and copies of these documents are to be retained in the assigned records management system. |
| Date adopted | 12 April 2022 – Ordinary Council Meeting |
| Adoption references | Council Decision – 039/2022 |

| Amendment and Review Table | | | |
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| Date | Review Type | Amendment Details | References |
| 13 June 2023 | Annual council review | No change | OCM 102/2023 |
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| Delegation | EE.05.05 Strata Titles Act 1985 |
| Category | EE.05 External Government Entity to Chief Executive Officer |
| Head of power | EE External Government Entities |
| Delegator | Western Australian Planning Commission |
| Express power to delegate | <i>Planning and Development Act 2005</i> <ul style="list-style-type: none"> s. 16 Delegation by Commission |
| Express power or duty delegated | <i>Strata Titles Act 1985</i> <ul style="list-style-type: none"> cl. 1 Sch. 1 Determine applications under s. 15 except those listed in subsections (a) - (e) cl. 2 Sch. 1 Determine applications under s. 21 and s. 22 |
| Function | <ol style="list-style-type: none"> Authority to act under s. 15 of the <i>Strata Titles Act 1985</i> as set out in cl. 1 Sch. 1, within the district, subject to the conditions set out in cl. 3 Sch.1. Authority to act under s. 21 and s. 22 of the <i>Strata Titles Act 1985</i> as set out in cl. 2 Sch. 1, within the district, subject to the conditions set out in cl. 3 Sch. 1. <p><i>Note - For full disclosure refer to Government Gazette, Issue 34, 29 January 2021, page 449.</i></p> |
| Delegates | Chief Executive Officer |
| Conditions | <ol style="list-style-type: none"> Undertaking of cl. 3 Sch.1 Reporting requirements to Western Australian Planning Commission. |
| Statutory framework | <i>Strata Titles Act 1985</i> |
| Record keeping | <ol style="list-style-type: none"> Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>. A record of each Authorisation is to be retained in the Authorised Persons Register and retained as a Local Government Record. Instruments or Certificates of Authorisation are to be provided to Authorised Persons, and copies of these documents are to be retained in the assigned records management system. |

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| Date adopted | 12 April 2022 – Ordinary Council Meeting |
| Adoption references | Council Decision – 039/2022 |

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| 13 June 2023 | Annual council review | No change | OCM 102/2023 |
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| Delegation | EE.05.06 Main Roads Act 1930 |
| Category | EE.05 External Government Entity to Chief Executive Officer |
| Head of power | EE External Government Entities |
| Delegator | Main Roads Western Australia |
| Express power to delegate | <p><i>Main Roads Act 1930</i></p> <ul style="list-style-type: none"> • s. 297(2) Road Traffic Code 2000 |
| Function | <ol style="list-style-type: none"> 1. Authority to 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 - <ol style="list-style-type: none"> a. "Event" subject to an order from the Commissioner of Police pursuant to Part VA of the <i>Road Traffic Act 1974</i>, b. Race meeting or speed test for which the Minister referred to in s. 83 of the <i>Road Traffic Act 1974</i> has, under this provision, temporarily suspended the operation of any provisions of the <i>Road Traffic Act 1974</i> or regulations made under this Act, or c. Public meeting or procession the subject of a permit granted by the Commissioner of Police under the <i>Public Order in Streets Act 1984</i>, 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 the applicable legislation, on a road (other than a main road) within the district. <p><i>Note - For full disclosure refer to Instrument of Authorisation 31 October 2004 (IN04/12354).</i></p> |
| Delegates | Chief Executive Officer |
| Conditions | <ol style="list-style-type: none"> 1. 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. 2. The Authorised Body shall develop and implement procedures which will satisfy the Commissioner the 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. |

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| Conditions Continued..... | 3. The Authorised Body shall ensure its representatives comply with the terms and conditions identified above at point 2 and point 3 above as if they were named in those points in place of the Authorised Body. |
| Statutory framework | <i>Main Roads Act 1930</i> <i>Public Order in Streets Act 1984</i> <i>Road Traffic Act 1974</i> <i>Road Traffic Code 2000</i> |
| Record keeping | <ol style="list-style-type: none"> 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>. 2. A record of each Authorisation is to be retained in the Authorised Persons Register and retained as a Local Government Record. 3. Instruments or Certificates of Authorisation are to be provided to Authorised Persons, and copies of these documents are to be retained in the assigned records management system. |
| Date adopted | 12 April 2022 – Ordinary Council Meeting |
| Adoption references | Council Decision – 039/2022 |

| Amendment and Review Table | | | |
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| Date | Review Type | Amendment Details | References |
| 13 June 2023 | Annual council review | No change | OCM 102/2023 |
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| Delegation | EE.05.07 Australian Citizenship Act 2007 |
| Category | EE.05 External Government Entity to Chief Executive Officer |
| Head of power | EE External Government Entities |
| Delegator | Department of Home Affairs |
| Express power to delegate | <i>Australian Citizenship Act 2007</i> <ul style="list-style-type: none"> s. 27(5) Minister may, by legislative instrument, authorise a class of persons for the purpose of paragraph (3)(c) |
| Function | 1. Authority to receive a Pledge of Commitment as a Citizen of the Commonwealth of Australia. <i>Note - For full disclosure refer Citizenship (LIN 20/084: Class of Persons Who May Receive a Pledge of Commitment) Instrument 2020.</i> |
| Delegates | Chief Executive Officer |
| Statutory framework | <i>Australian Citizenship Act 2007</i> |
| Record keeping | <ol style="list-style-type: none"> Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i>. A record of each Authorisation is to be retained in the Authorised Persons Register and retained as a Local Government Record. Instruments or Certificates of Authorisation are to be provided to Authorised Persons, and copies of these documents are to be retained in the assigned records management system. |
| Date adopted | 12 April 2022 – Ordinary Council Meeting |
| Adoption reference | Council Decision –039/2022 |

| Amendment and Review Table | | | |
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| Date | Review Type | Amendment Details | References |
| 13 June 2023 | Annual council review | Annual Council review, nil substantive changes. Appended Ministers list of persons approved to receive citizenship pledges | OCM 102/2023 |
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| Delegation | EE.05.08 Approval for Certain Local Government Vehicles as Special Use Vehicles |
| Category | EE.05 External Government Entity to Local Government |
| Head of power | EE External Government Entities |
| Delegator | Department of Transport |
| Express power to delegate | <p><i>Road Traffic (Vehicles) Act 2012</i> <i>Road Traffic (Vehicles) Regulations 2014</i></p> <ul style="list-style-type: none"> • r 327(4)(f) <i>Road Traffic (Vehicles) Regulations 2014</i> |
| Function | <p>By way of a delegation instrument dated 7 August 2017, 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.</p> <p>(a) the Local Government Act 1995;</p> <p>(b) regulations made under the Local Government Act 1995,</p> <p>(c) a local law.</p> <p>(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</p> <p>(e) any combination of the above paragraphs (a) to (d);</p> <p>as special use vehicle 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 conditions:</p> <p>Note - For full disclosure refer to Approval RTVR-2017-202046 – 5 September 2017.</p> |
| Delegates | Nil |
| Conditions | <ol style="list-style-type: none"> 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. |

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| | <p>6. Any additional equipment fitted to the vehicle must not interfere with the overall safe operation of the vehicle</p> <p>7. Any vehicle fitted with Flashing lights for the purposes of this approval must.</p> <p>(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</p> <p>(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.</p> <p>This condition 7 is not intended to prevent the use of additional words on the vehicle</p> |
| Statutory framework | Road Traffic (Vehicles) Act 2012 Road Traffic (Vehicles) Regulations 2014 |
| Record keeping | Nil |
| Date adopted | 13 June 2023 – Ordinary Council Meeting |
| Adoption references | Council Decision – OCM 102/2023 |

| Amendment and Review Table | | | |
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| Delegation | LL.01.01 Shire of Ashburton Local Laws |
| Category | LL.01 Council to Chief Executive Officer |
| Head of power | LL Shire of Ashburton Local Laws |
| Delegator | Local Government |
| Express power to delegate | Local Government Act 1995 <ul style="list-style-type: none"> s. 5.42 Delegation of some powers or duties to the CEO |
| Express power or duty delegated | All of the local government functions, duties and powers expressed in the following local laws: Shire of Ashburton Dogs Local Law 2012 Shire of Ashburton Fencing Local Law 2014 Shire of Ashburton Health Local Law 2013 Shire of Ashburton Public Places and Local Government Property Local Law 2023 Shire of Ashburton Parking and Parking Facilities Local Law 2013 Shire of Ashburton Cemeteries Local Law 2013 |
| Function | Authority to undertake the local governments functions, duties and powers under the listed local laws. |
| Delegate | Chief Executive Officer |
| Conditions | Exclusions: Any function, power or duty prescribed in the local laws to make determinations, set fees and charges or where a Council resolution is required. |
| Express power or duty sub delegated | Local Government Act 1995 s. 5.44 CEO may delegate some powers and duties to other employees |
| Subdelegates Conditions | Refer to LL.02.01 and LL.02.02 for sub delegates and conditions |
| Statutory framework | Shire of Ashburton Local Laws. as prescribed. |
| Policy | Nil |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
| Date adopted | 13 June 2023 – Ordinary Council Meeting |
| Adoption references | Council Decision – OCM 102/2023 |

| Amendment and Review Table | | | |
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| Date | Review Type | Amendment Details | References |
| 21 December2023 | CEO annual review | Updated sub-delegate conditions. | Record number 2451054 |
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| Delegation | LL.02.01 Shire of Ashburton Local Laws |
| Category | LL.02 Chief Executive Officer to Shire Employees |
| Head of power | 01 Local Government Act 1995 |
| Delegator | Chief Executive Officer |
| Express power to delegate | Local Government Act 1995 <ul style="list-style-type: none"> s.5.44 CEO may delegate powers and duties to other employees. |
| Express power or duty delegated | All of the local governments and the CEO's functions, duties and powers expressed in the following local laws: Shire of Ashburton Dogs Local Law 2012 Shire of Ashburton Fencing Local Law 2014 Shire of Ashburton Health Local Law 2013 Shire of Ashburton Public Places and Local Government Property Local Law 2023 Shire of Ashburton Parking and Parking Facilities Local Law 2013 Shire of Ashburton Cemeteries Local Law 2013 |
| Function | Authority to undertake the local governments and the CEO's functions, duties and powers under the listed local laws. |
| Subdelegates | Deputy Chief Executive Officer |
| Conditions | Exclusions: 1. Any function, power or duty prescribed in the local laws to make determinations, set fees and charges or where a Council resolution is required. 2. Determine objections lodged in respect to the <i>Shire of Ashburton Cats Local Law 2023</i> . |
| Statutory framework | <i>Local Government Act 1995</i> |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
| Date adopted | 21 December 2023 |
| Adoption references | Record number 2451054 |

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| Delegation | LL.02.02 Shire of Ashburton Local Laws |
| Category | LL.02 Chief Executive Officer to Shire Employees |
| Head of power | 01 Local Government Act 1995 |
| Delegator | Chief Executive Officer |
| Express power to delegate | Local Government Act 1995 <ul style="list-style-type: none"> s.5.44 CEO may delegate powers and duties to other employees. |
| Express power or duty delegated | All of the local government functions, duties and powers expressed in the following local laws .as provided in the functions subdelegated section: Shire of Ashburton Dogs Local Law 2012 Shire of Ashburton Fencing Local Law 2014 Shire of Ashburton Health Local Law 2013 Shire of Ashburton Public Places and Local Government Property Local Law 2023 Shire of Ashburton Parking and Parking Facilities Local Law 2013 Shire of Ashburton Cemeteries Local Law 2013 |
| Function | Authority to undertake the local governments functions, duties and powers under the listed local laws. |
| Delegates | Director Corporate Services Director Infrastructure Services Executive Manager Land, Property and Regulatory Services Manager Finance Manager Airport Services Manager Roads and Civil Projects Manager Regulatory Services Coordinator Ranger Services, Coordinator Planning and Lands Environmental Health Officer Senior Finance Officer Finance Officer |
| Conditions | Exclusions: 1. Any function, power or duty prescribed in the local laws to make determinations, set fees and charges or where a Council resolution is required. 2. Consider and determine objections lodged under the local laws. *Notification: 3. Where Sub Delegate 6 proposed to close a runway for aircraft operations, the CEO's must be notified. |
| Express power to subdelegate | Local Government Act 1995 s. 5.44 CEO may delegate some powers and duties to other employees |

**Functions
Subdelegated**

Sub Delegates 1 – Executive Manager Land, Property and Regulatory Services and Manager Regulatory Services

- *Shire of Ashburton Dog Local Law 2012* – determine applications for a licence under Part 4 inclusive of determining conditions, revoking, varying or the transfer of a licence.
- *Shire of Ashburton Parking and Parking Facilities Local Law 2013* – authority to permit parking or driving on a Reserve and allow parking under clause 7.6. subject to a written application, and in any case for less than 24 hours.
- *Shire of Ashburton Cats Local Law 2023* permits and approvals under Part 2.

Sub Delegates 2 – Executive Manager Land, Property and Regulatory Services and Manager Regulatory Services

- *Shire of Ashburton Public Places and Local Government Property Local Law 2023* – issue of permits and approvals under Part 9, including renewing, transferring, revoking, suspending or amending.

Sub Delegates 3 – Director Corporate Services, Manager Finance, Senior Finance Officer and Finance Officer

- *Shire of Ashburton Cemeteries Local Law 2013* – authority to determine applications under Part 3 for funerals, burials, cremations or the placement of ashes; under Part 4 for a permit or licence, or under Part 7 for permits/approvals memorials or other work.

Sub Delegates 4 – Executive Manager Land, Property and Regulatory Services and the Coordinator Planning and Lands

- *Shire of Ashburton Fencing Local Law 2014* – authority to consider and determine applications for approval under Part 3 of the local law and issue breach notices for contraventions of the local law.

Sub Delegates 5 – Environmental Health Officer and Manager Regulatory Services

- *Shire of Ashburton Heath Local Law 2013* – authority to generally perform functions required to administer and enforce the local law and issue permits, approvals; and registrations/licences for lodging houses, a morgue or an offensive trade, subject to all other statutory consents being first obtained.
- *Shire of Ashburton Public Places and Local Government Property Local Law 2023* – issue of permits and approvals under Part 9 for matters prescribed in part 7, Division 1, clause 7.2(1)(o),(p), (q) and (r) specifically, including renewing, transferring, revoking, suspending or amending permits or approvals.

Sub Delegate 6 – Manager Airport Services

- *Shire of Ashburton Public Places and Local Government Property Local Law 2023* – authority to close the Onslow

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| | <p>Airport for aircraft movements, only where a runway surface is considered to be unsafe*.</p> <p>Sub Delegates 7 – Director Infrastructure Services, Manager Roads and Civil Projects</p> <p><i>Shire of Ashburton Public Places and Local Government Property Local Law 2023</i> – authority to determine applications for approvals/ permits,(excluding the matters prescribed in clause 7.2(1)(o), (p), (q) and (r)) and to issue notices for matters prescribed in Part 7 of the local law.</p> |
| Statutory framework | Local Government Act 1995 |
| Record keeping | 1. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations in accordance with r. 19 of the <i>Local Government (Administration) Regulations 1996</i> . |
| Date adopted | 21 December 2023 |
| Adoption references | Record number 2451054 |

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