

(Appendix ORD: 12.5)

(Under Separate Cover)



Delegations Register 2019 - 2020

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1 Local Government Act 1995 Delegations

1.1 Council to Committees of Council

1.1.1 Audit and Risk Committee

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> s.5.16 Delegation of some powers and duties to certain committees s.7.1B Delegation of some powers and duties to audit committees
Express Power or Duty Delegated:	<u>Local Government Act 1995:</u> s.7.12A(2), (3) & (4) Duties of Local Government with respect to audits
Delegate:	Audit and Risk Committee
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to meet with the City's Auditor at least once every year on behalf of the Council [s.7.12A(2)]. 2. Authority to: <ol style="list-style-type: none"> i. examine the report of the Auditor and determine matters that require action to be taken by the Shire of Dardanup; and ii. ensure that appropriate action is taken in respect of those matters [s.7.12A(3)]. 3. Authority to review and endorse the Shire of Dardanup's report on any actions taken in response to an Auditor's report, prior to it being forwarded to the Minister [s.7.12A(4)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. This delegation is not to be used where a Management Letter or Audit Report raises significant issues and the Local Government's meeting with the Auditor must be directed to the Council. b. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	Nil. Sub-delegation is prohibited by s.7.1B.

1.2 Council to CEO

1.2.1 To perform the function of the Council as applies to the Council Policy Manual

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.2 Appoint Authorised Persons

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Local Government Act 1995:</u> s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land] s.9.10 Appointment of authorised persons
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to appoint persons or classes of persons as authorised persons for the purpose of fulfilling prescribed functions within the <u>Local Government Act 1995</u> and its subsidiary legislation, including Local Government Act Regulations, the <i>Local Government (Miscellaneous Provisions) Act 1960</i> and Local Laws made under the Local Government Act. [s.3.24 and s.9.10]. 2. Authority to appoint 'authorised officers' under Regulation 70(2) of the <u>Building Regulations 2012</u> and section 9.16 of the <i>Local Government Act 1995</i> for the purposes of issuing Building Act 2011 Infringement Notices in accordance with section 6(b) of the <i>Criminal Procedures Act 2004</i>. (Building Reg.70(2) prescribes s.9.10(1) of the <i>Local Government Act 1995</i> as the enabling power for appointment of 'authorised officers'.) 3. Authority to appoint authorised person for the purposes of section 15 the <u>Graffiti Vandalism Act 2016</u>, which prescribes Part 9 of the <i>Local Government Act 1995</i> as the enabling power.
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. A register of Authorised Persons is to be maintained as a Local Government Record. b. Only persons who are appropriately qualified and trained may be appointed as Authorised persons. c. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.3 Performing Functions Outside the District

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Local Government Act 1995:</u> s.3.20(1) Performing functions outside district
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Determine the circumstances where it is appropriate for the Local Government's functions to be performed outside the District and prior to implementing such a decision, obtain the consent of the landowner/s and occupier/s and any other person that has control or management of the land impacted by the performance of the function [s.3.20(1)].
Council Conditions on this Delegation:	a. A decision to undertake a function outside the District, can only be made under this delegation where there is a relevant allocation within the Annual Budget and the performance of the functions does not negatively impact service levels within the District. Where these conditions are not met the matter must be referred for Council decision. b. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.4 Compensation for Damage Incurred when Performing Executive Functions

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Local Government Act 1995:</u> s.3.22(1) Compensation s.3.23 Arbitration
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. In accordance with the s.3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of executive functions and make payment of compensation [s.3.22(1)]. 2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23.
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Delegation is limited to settlements which do not exceed a material value of \$10,000. b. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.5 Powers of Entry

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Local Government Act 1995:</u> s.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to exercise powers of entry to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law [s.3.28]. 2. Authority to give notice of entry [s.3.32]. 3. Authority to seek and execute an entry under warrant [s.3.33]. 4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]. 5. Authority to give notice and effect entry by opening a fence [s.3.36].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Delegated authority may only be used, where there is imminent or substantial risk to public safety or property. b. [Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties]
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.6 Declare Vehicle is Abandoned Vehicle Wreck

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Local Government Act 1995:</u> s.3.40A(4) Abandoned vehicle wreck may be taken
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
Council Conditions on this Delegation:	<p>a. Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 3.2.7 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision.</p> <p>b. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties</p>
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.7 Disposing of Confiscated or Uncollected Goods

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Local Government Act 1995:</u> s.3.46 Goods may be withheld until costs paid s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. A local government may refuse to allow goods impounded under section 3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. [s.3.46(1)] 2. A local government may refuse to allow goods removed under section 3.40 or 3.40A to be collected until the costs of removing and keeping them have been paid to the local government.[s.3.46(2)] 2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47]. 3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30??, be disposed of by any means considered to provide best value, provided the process is transparent and accountable. b. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.8 Remove and Impound Goods

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Local Government Act 1995:</u> s.3.39 Power to remove and impound
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. An employee authorised by a local government for the purpose may remove and impound any goods that are involved in a contravention that can lead to impounding.[s.3.39] 2. A person may use reasonable force to exercise the power given by subsection (2).[s.3.39]
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	

1.2.9 Litter Act

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Litter Act 1979</u> , s.27 Authorised officers, powers of <u>Litter Regulations 1981</u> – Schedule 2 – Certificate of Appointment of Authorised Officer
Express Power or Duty Delegated:	<u>Litter Act 1979</u> , s.27 Authorised officers, powers of <u>Litter Regulations 1981</u> – Schedule1 – Litter creating public risk <u>Litter Regulations 1981</u> – Schedule1A – Prescribed offences and modified Penalties <u>Litter Regulations 1981</u> –Schedule 2 – Litter Infringement Notice
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to require a person's full name and usual place of residence whom the authorised officer finds committing or suspects to be committing an offence against the Act [s.27 (1)]. 2. Authority to order a person contravening sections 23,24 or 24A of the Act to remove material or subject of the offence from the land or waters or deposit the material or subject of the offence in the nearest place or receptacle provided for the deposit of litter, within such time as the authorised officer may direct [s.27(2)(a,b)]
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Litter Regulations 1981</u> – Schedule 2 – Certificate of Appointment of Authorised Officer

1.2.10 Disposal of Sick or Injured Animals

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Local Government Act 1995:</u> s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)]. 2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed. b. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.11 Close Thoroughfares to Vehicles

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Local Government Act 1995:</u> s.3.50 Closing certain thoroughfares to vehicles s.3.50A Partial closure of thoroughfare for repairs or maintenance s.3.51 Affected owners to be notified of certain proposals
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)]. 2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: <ul style="list-style-type: none"> • give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and • s.3.50(1a).....(2) • consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)]. 3. Authority to revoke an order to close a thoroughfare [s.3.50(6)]. 4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A] 5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s3.51].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)]. b. Maintain access to adjoining land [s.3.52(3)] (relevant to townsite only). c. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.12 Control Reserves and Certain Unvested Facilities

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Local Government Act 1995:</u> s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)]. 2. Authority to do anything for the purpose of controlling and managing land under the control and management of the Shire of Dardanup that the Shire of Dardanup could do under s.5 of the <u>Parks and Reserves Act 1895</u>. [s.3.54(1)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets. b. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.13 Obstruction of Footpaths and Thoroughfares

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Local Government (Uniform Local Provisions) Regulations 1996:</u> r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a) r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b) r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: <ol style="list-style-type: none"> a. prevent damage to the footpath; or b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)]. 2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)]. 3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)]. 4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A]. 5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.

	<ul style="list-style-type: none"> ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. <p>c. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties</p>
<p>Express Power to Sub-Delegate:</p>	<p><u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees</p>

1.2.14 Gates Across Public Thoroughfares

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Local Government (Uniform Local Provisions) Regulations 1996:</u> r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)]. 2. 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)]. 3. Authority to impose conditions on granting permission [ULP r.9(4)]. 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 [ULP r.9(5)]. 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 [ULP r.9(6)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the <u>Local Government (Uniform Local Provisions) Regulations 1996</u>. b. Each approval provided must be recorded in the Shire of Dardanup's statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8. c. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.15 Public Thoroughfare – Dangerous Excavations

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Local Government (Uniform Local Provisions) Regulations 1996:</u> r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)]. 2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)]. 3. Authority to impose conditions on granting permission [ULP r.11(6)]. 4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the <u>Local Government (Uniform Local Provisions) Regulations 1996:</u> b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. c. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or

	duties
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.16 Crossing – Construction, Repair and Removal

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Local Government (Uniform Local Provisions) Regulations 1996:</u> r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7(2) r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r,12(1)]. 2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)]. 3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)]. 4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the <u>Local Government (Uniform Local Provisions) Regulations 1996:</u> b. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.17 Private Works on, over or under Public Places

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Local Government Act 1995:</u> r.17 Private works on, over, or under public places – Sch.9.1 cl.8
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)]. 2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the <u>Local Government (Uniform Local Provisions) Regulations 1996</u>. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. c. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

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

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Local Government (Uniform Local Provisions) Regulations 1996:</u> r.21(1) Wind erosion and sand drifts – Sch.9.1 cl.12
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to give notice to an owner / occupier of land if it is considered that clearing the owner / occupier's land might cause local government land having a common boundary, being adversely affected by wind erosion or sand drift [ULP r.21(1)].
Council Conditions on this Delegation:	a. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.19 To purchase goods and services to a value of not more than \$200,000

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.20 To obtain legal opinion from solicitors where deemed appropriate

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.21 To grant subdivision clearances where conditions have been met or bond monies paid, with the exception of particular subdivisions as directed by Council where Council requires those identified to be referred to Council for clearance

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.22 To proceed with prosecutions where local laws and acts have been breached

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.23 Power to allow council/community based committees to use council meeting rooms

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.24 Authority to sign documents with Shire President and apply the Common Seal following a Council resolution to approve a contract or agreement

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	Nil

1.2.25 Local Laws

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Local Government Act 1995:</u> s.9.10 Appointment of authorised persons <ul style="list-style-type: none"> • Activities in Thoroughfares and Public Places and Trading Local Law 2009; • Parking and Parking Facilities Local Law 2009; • Local Government Property Local Law 2007; • Cemeteries Local Law 2014; • Dust Control Local Law 2011; • Dogs Local Law 2014; and • Keeping & Control of Cats Local Law 2014
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.26 Issue Notices Requiring Certain Things to be Done by Owner or Occupier of Land

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Local Government Act 1995:</u> s.3.24 Authorising persons under this Subdivision s.3.25 Notices requiring certain things to be done by owner or occupier of lands.
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>(1) A local government may give a person who is the owner or, unless Schedule 3.1 indicates otherwise, the occupier of land a notice in writing relating to the land requiring the person to do anything specified in the notice that —</p> <p style="padding-left: 40px;">(a) is prescribed in Schedule 3.1, Division 1; or</p> <p style="padding-left: 40px;">(b) is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2.</p> <p>(2) Schedule 3.1 may be amended by regulations.</p> <p>(3) If the notice is given to an occupier who is not the owner of the land, the owner is to be informed in writing that the notice was given.</p> <p>(4) A person who is given a notice under subsection (1) is not prevented from complying with it because of the terms on which the land is held.</p> <p>(5) A person who is given a notice under subsection (1) may apply to the State Administrative Tribunal for a review of the decision to give the notice.</p> <p>(6) A person who fails to comply with a notice under subsection (1) commits an offence.</p>
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.27 Expressions of Interest for Goods and Services

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Local Government Act 1995:</u> s.3.57 Tenders for providing goods or services <u>Local Government (Functions and General) Regulations 1996 :</u> r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21]. 2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r.23].
Council Conditions on this Delegation:	a. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.28 Tenders for Goods and Services

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Local Government Act 1995:</u> s.3.57 Tenders for providing goods or services <u>Local Government (Functions and General) Regulations 1996 :</u> 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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to call tenders [F&G r.11(1)]. <ol style="list-style-type: none"> 1. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement [F&G r.11(f)]. 2. Authority to invite tenders although not required to do so [F&G r.13]. 3. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 4. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 5. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)]. 6. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&G r.18(4)]. 7. Authority to accept, or reject tenders, only within the \$value detailed as a condition on this Delegation and in accordance with the requirements of the Functions and General Regulations [F&G r.18(2) and (4)]. 8. Authority to determine that a variation proposed in minor in context of the total goods or services sought through the invitation to tender, within the \$value detailed as a condition on this Delegation, and to then enter into minor variations with the successful tenderer <u>before</u> entering into a contract [F&G r.20(1) and (3)]. 9. Authority to seek clarification from tenderers in relation to

	<p>information contained in their tender submission [F&G r.18(4a)].</p> <p>10. Authority to decline any tender [F&G r.18(5)].</p> <p>11. If the chosen tenderer is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer, authority to choose the next most advantageous tender to accept [F&G r.20(2)]</p> <p>12. Authority to, vary a contract that has been entered into with a successful tenderer, provided the variation does not change the scope of the contract OR is a renewal or extension that was included in the original tender submission in accordance with r.11(2)(j). [F&G r.21A].</p> <p>13. Authority to accept another tender where within 6-months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract [F&G r.18(6) & (7)].</p>
<p>Council Conditions on this Delegation:</p>	<p>a. Sole supplier arrangements may only be approved where a record is retained that evidences:</p> <ol style="list-style-type: none"> i. A detailed specification; ii. The outcomes of market testing of the specification; iii. The reasons why market testing has not met the requirements of the specification; and iv. Rationale for why the supply is unique and cannot be sources through other suppliers; <p>b. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget and where the:</p> <ul style="list-style-type: none"> • proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government, • current supply contract expiry is imminent and • value of the proposed new contract has been included in the draft Annual Budget proposed for adoption. <p>c. In accordance with s.5.43, tenders may only be accepted and panels of pre-qualified suppliers established, where the total consideration under the resulting contract is \$200,000 or less and the expense is included in the adopted Annual Budget.</p> <p>d. Provide Council with a written evaluation against the selection criteria for each tender to assist Council in deciding which tender Council to accept.</p>
<p>Express Power to Sub-Delegate:</p>	<p><u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees</p>

1.2.29 Over Length Vehicles

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government	
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:		
Delegate:	Chief Executive Officer	
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	The Chief Executive Officer be delegated authority to approve Restricted Access Vehicles (RAV) Categories 2 and 3 on the following roads:	
	Road	Section
	Copplestone Road	Martin-Pelusey Road to end
	Harris Road	Martin Pelusey Road to Shire Boundary
	King Tree Road	Wellington Mill Road to Mungalup Road
	Mungalup Road	Pile Road (Falcon Road) to Shire Boundary
	Pattersons Road	South Road to Ferguson Road
	Pile Road	Ferguson Road to Mungalup Road (Falcon Road)
	Queenwood Road	Ferguson Road to Trevena Road
	South Road	Pattersons Road to Mungalup Road
	Wellington Mill Road	Ferguson Road to Ferguson Road
	The Chief Executive Officer be delegated authority to approve Restricted Access Vehicles (RAV) Category 4 on the following roads:	
	Road	Section
	Harris Road	Martin Pelusey Road to Shire Boundary
	Martin Pelusey Road	Full Length
	Copplestone Road	Martin Pelusey Road to end.
	The following roads are approved RAV Network 2 and 3 roads and do not require any further approvals from the Shire of Dardanup:	
Road	Section	

	Banksia Road	1.52 SLK from Crooked Brook Road to Depiazzi Road (Panizza Road)
	Busher Road	Moore Road to end of road
	Depiazzi Road	Ferguson Road to Banksia Road (Panizza Road)
	Dowdells Line	South Western Hwy to O'Connor Road
	Ferguson Road	Waterloo Road to Shire Boundary
	Giorgi Road	Full Length
	Moore Road	2.68 km Section starting from Bunbury Outer Ring Road
	O'Connor Road	Dowdells Line to Offer Road
	Barcoo Close (Old Moore Road)	0.3 km Section starting from Moore Road
	Waterloo Road	Full Length
	The following roads are approved RAV Network 2, 3 and 4 roads and do not require any further approvals from the Shire of Dardanup:	
	Road	Section
	Andrew Foord Way	Kerr Road to Coleman Turn
	Coleman Turn	Full Length
	Delmarco Drive	Full Length
	Golding Crescent	Full Length
	Hardisty Court	Full Length
	Kerr Road	Full Length
	Nicholson Road	Full Length
	Pedretti Road	Full Length
	Ramsay Loop	Full Length
	Warrego Road	Full Length
	No Concessional Loading is allowed on Council roads except with the determination of the Council..	
Council Conditions on this Delegation:		
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees	

1.2.30 Roadside Markers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Shire of Dardanup Council Policy – CP063 – Roadside Markers</u>
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to: <ul style="list-style-type: none"> • Approve or reject applications for the placement of roadside marks, including small white crosses, in accordance with Council Policy CP063 • Reject installations if procedures are not followed. • Action the removal of roadside markers at any time if they are causing a problem with pedestrians or traffic.
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.31 Traffic Management Plans

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to approve and implement traffic management plans for roadworks and events
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.32 Approval of subdivisional construction drawings

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to approve for construction subdivisional drawings and specifications.
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.33 Panels of Pre-Qualified Suppliers for Goods and Services

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Local Government (Functions and General) Regulation 1996:</u> r.24AB Local government may establish panels of pre-qualified suppliers r.24AC(1)(b) Requirements before establishing panels of pre-qualified suppliers r.24AD(3) & (6) Requirements when inviting persons to apply to join panel of pre-qualified suppliers r.24AH(2), (3), (4) and (5) Rejecting and accepting applications to join panel of pre-qualified suppliers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine that there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [F&G r.24AC(1)(b)]. 2. Authority to, before inviting submissions, determine the written criteria for deciding which application should be for inclusion in a panel of pre-qualified suppliers should be accepted [F&G r.24AD(3)]. 3. Authority to vary panel of pre-qualified supplier information after public notice inviting submissions has been given, taking reasonable steps to each person who has enquired or submitted an application is provided notice of the variation [F&G r.24AD(6)]. 4. Authority to reject an application without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation [F&G r.24AH(2)]. 5. Authority to assess applications, by written evaluation of the extent to which the submission satisfies the criteria for deciding which applicants to accept, and decide which applications to accept as most advantageous [F&G r.24AH(3)]. 6. Authority to request clarification of information provided in a submission by an applicant [F&G r.24AH(4)]. 7. Authority to decline to accept any application [F&G r.24AH(5)]. 8. Authority to enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services [F&G r.24AJ(1)].
Council Conditions on this Delegation:	a. In accordance with s.5.43, panels of pre-qualified suppliers may only be established, where the total consideration under the resulting contract is \$150,000 or less and the

	<p>expense is included in the adopted Annual Budget.</p> <p>b. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties</p>
<p>Express Power to Sub-Delegate:</p>	<p><u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees</p>

1.2.34 Application of Regional Price Preference Policy

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Local Government (Functions and General) Regulations 1996 ::</u> r.24G Adopted regional price preference policy, effect of
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to decide when not to apply the regional price preference policy to a particular future tender [F&G r.24G].
Council Conditions on this Delegation:	<i>GUIDANCE NOTE:</i> {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements. a. Check with Procurement Team re potential conditions. b. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.35 Disposing of Property

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Local Government Act 1995:</u> s.3.58(2) & (3) Disposing of Property
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to dispose of property to: <ol style="list-style-type: none"> (a) to the highest bidder at public auction [s.3.58(2)(a)]. (b) to the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tenders [s.3.58(2)(b)] 2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required. b. In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of \$20,000 or less. c. When determining the method of disposal: <ul style="list-style-type: none"> • Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> ○ Reserve price has been set by independent valuation. ○ Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price. • Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method. • Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: <ul style="list-style-type: none"> ○ Negotiate the sale of the property up to a -10% variance on the valuation; and

	<ul style="list-style-type: none"> o Consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a decision are recorded. <p>d. Where the market value of the property is determined as being less than \$20,000 (F&G r.30(3) excluded disposal) may be undertaken:</p> <ul style="list-style-type: none"> • Without reference to Council for resolution; and • In any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value, then the disposal must ensure environmentally responsible disposal. <p>e. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties</p>
Express Power to Sub-Delegate:	<p><u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees</p>

1.2.36 Payments from the Municipal or Trust Funds

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Local Government (Financial Management) Regulations 1996:</u> r.11 Payments, procedures for making etc. r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to develop procedures that implement appropriate internal controls and risk mitigation for the authorisation and payment of accounts by any method, including but not limited to; cheques, credit cards, computer encryption devices and passwords, purchasing transaction cards, petty cash systems, etc. 2. Authority to make payments from the municipal or trust funds [r.12(1)(a)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. b. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once each financial year. [Audit r.17] c. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.37 Defer, Grant Discounts, Waive or Write Off Debts

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Local Government Act 1995:</u> s.6.12 Power to defer, grant discounts, waive or write off debts
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Waive a debt which is owed to the Shire of Dardanup [s.6.12(1)(b)]. 2. Grant a concession in relation to money which is owed to the Shire of Dardanup [s.6.12(1)(b)]. 3. Write of Shire of Dardanup an amount of money which is owed to the Shire of Dardanup [s.6.12(1)(c)]
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. This Delegation does not apply to debts, which are prescribed as debts that are taken to be a rate or service charge. b. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.38 Power to Invest and Manage Investments

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Local Government Act 1995:</u> s.6.14 Power to invest <u>Local Government (Financial Management) Regulations 1996:</u> r.19 Investments, control procedures for
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)]. 2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. All investment activity must comply with the Financial Management Regulation 19C and Council Policy CP036 Investment Policy. b. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports. c. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. d. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once each financial year. [Audit r.17] e. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.39 Receive Modified Penalties

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Local Government Act 1995:</u> Division 2 - Enforcement and legal proceedings s.9.17 - Notice, content of
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authorised to receive modified penalties under Section 9.17 1 (b) of the local government act 1995; <i>"An infringement notice is to be in the prescribed form and is To advise that if the alleged offender does not wish to be prosecuted for the alleged offence in a court, the amount of money specified in the notice as being the modified penalty for the offence may be paid to the CEO of the local government within a period of 28 days after the giving of the notice"</i>
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	Nil.

1.2.40 Extension for Time for Payment

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Local Government Act 1995:</u> Division 2 - Enforcement and legal proceedings s.9.19 - Extension of time
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	The CEO of a local government may, in a particular case, extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed.
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	Nil

1.2.41 Recording of Gifts in register

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Local Government (Administration) Regulations 1996:</u> r. 34B (4)(5) - Codes of conduct about gifts, content of (Act s. 5.103(3))
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>A code of conduct is to require that the notification of the acceptance of a notifiable gift be in writing and include —</p> <ul style="list-style-type: none"> (a) the name of the person who gave the gift; and (b) the date on which the gift was accepted; and (c) a description, and the estimated value, of the gift; and (d) the nature of the relationship between the person who is an employee and the person who gave the gift; and (e) if the gift is a notifiable gift under paragraph (b) of the definition of notifiable gift in subregulation (1) <p>A code of conduct is to require that the CEO maintain a register of notifiable gifts and record in it details of notifications given to comply with a requirement made under subregulation (3).</p>
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	

1.2.42 Street Stalls

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	

1.2.43 Function of Chief Executive Officer – Speak On Behalf of Local Government

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Local Government Act 1995:</u> s. 2.8 (1) Role of mayor or president s. 5.41 (f) Functions of CEO
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	CEO is authorised to speak on behalf of the local government if the mayor or president agrees;
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	Nil

1.2.44 Authorise Electronic Funds Transfer to Australian Taxation Office

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to authorise Electronic Funds Transfer (EFT) files for Payroll and Accounts Payable payments to the Australian Taxation Office for the value of \$200,000.
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	

1.2.45 Disposal of Surplus Goods and Equipment (Minor Assets)

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to dispose of property below the value of \$20,000 and the conditions relating to plant and vehicles trade-ins ensuring full compliance with applicable legislative obligations.
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	

1.2.46 Rate Record Amendment

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Local Government Act 1995:</u> s.6.39(2)(b) Rate record s.6.40 Effect of amendment of rate record
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)].
Council Conditions on this Delegation:	a. Delegates must comply with the requirements of s.6.40 of the Act. b. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.47 Agreement as to Payment of Rates and Service Charges

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Local Government Act 1995:</u> s.6.49 Agreement as to payment of rates and service charges
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
Council Conditions on this Delegation:	a. 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. b. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.48 Determine Due Date for Rates or Service Charges

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Local Government Act 1995:</u> s.6.50 Rates or service charges due and payable
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to determine the date on which rates or service charges become due and payable to the Shire of Dardanup [s.6.50].
Council Conditions on this Delegation:	a. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.49 Recovery of Rates or Service Charges

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Local Government Act 1995:</u> s.6.56 Rates or service charges recoverable in court
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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)].
Council Conditions on this Delegation:	a. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.50 Recovery of Rates Debts – Require Lessee to Pay Rent

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Local Government Act 1995:</u> s.6.60 Local Government may require lessee to pay rent
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the Shire of Dardanup [s.6.60(2)]. 2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)].
Council Conditions on this Delegation:	a. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.51 Recovery of Rates Debts - Actions to Take Possession of the Land

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Local Government Act 1995:</u> s.6.64(1) & (3) Actions to be taken s.6.69(2) Right to pay rates, service charges and costs, and stay proceedings s.6.71 Power to transfer land to Crown or local government s.6.74 Power to have land revested in Crown if rates in arrears 3 years
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to take possession of land and hold the land as against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years [s.6.64(1)], including: <ol style="list-style-type: none"> i. lease the land, or ii. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: <ol style="list-style-type: none"> I. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or II. cause the land to be transferred to the Shire of Dardanup [s.6.71]. 2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)]. 3. Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, services charges and costs within 7 days of and prior to the proposed sale [s.6.69(2)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale <u>without having</u>, within the previous 3-years attempted to recover the outstanding rates / charges through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes. b. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.52 Rate Record – Objections

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Local Government Act 1995:</u> s.6.76 Grounds of objection
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)]. 2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. 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. b. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.3 CEO to Employees

1.3.1 To Perform the function of the Council as applied to the Council Policy Manual – CP026 – Social Media

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ul style="list-style-type: none"> • Authority to establish and terminate official Shire of Dardanup Social Media accounts. • Provide authority to selected Shire of Dardanup personnel who manage and moderate the Shire of Dardanup Social Media activities.
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	

1.3.2 To Perform the function of the Council as applied to the Council Policy Manual – CP033 – Mobile Traders on Eaton Foreshore

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to approve: 1. Applications received during the Expression of Interest process that do not exceed the available trading positions and meeting all requirements. 2. Applications outside of the expression of interest process if available trading positions are not all occupied following the expression of interest process, for the remainder of the applicable financial year expiring 30 June.
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	

1.3.3 To Perform the function of the Council as applied to the Council Policy Manual – CP040 – Directional Signage Policy for Fixed Signs within Road Reserves

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to approve the erection of any directional signage within any local authority road reserve in the Shire of Dardanup in accordance with the conditions listed in the Shire of Dardanup Council Policy Manual – CP040.
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	

1.3.4 To Perform the function of the Council as applied to the Council Policy Manual – CP041 – Directional Signage Policy for Public Events and Activities – Temporary Signs within road Reserves

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to approve the placement of any temporary directional signs within any local authority road reserve in the Shire of Dardanup in accordance with the conditions listed in the Shire of Dardanup Council Policy Manual – CP041
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	

1.3.5 To Perform the function of the Council as applied to the Council Policy Manual – CP044 – Donations and Grants

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to make payments for Personal Development in accordance with the Donations and Grants Policy (promote the personal development (non-professional) of individuals that reside within the Shire of Dardanup). Authority to make payments in accordance with the Donations and Grants Policy (Minor Community Event Assistance).
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	

1.3.6 To Perform the function of the Council as applied to the Council Policy Manual – CP045 – Bus Shelter Approval

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to approve applications for bus shelters.
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	

1.3.7 To Perform the function of the Council as applied to the Council Policy Manual – CP046 – Events Requiring Temporary Road Closure

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to consider and approve applications for the temporary closure of thoroughfare for events and works on Shire managed roads and accessways, subject to the following duration limits: Events - Not exceeding 12 hours Works - Not exceeding four weeks
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	

1.3.8 To Perform the function of the Council as applied to the Council Policy Manual – CP057 – Residential Road Verge

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to approve the installation of any gardens, reticulation, landscaping or treatments other than grass to the verge between the front property line and the kerb in accordance with the Policy.
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	

1.3.9 To Perform the function of the Council as applied to the Council Policy Manual – CP058 – Roadside Vegetation

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to approve, after an on-site inspection, removal of necessary vegetation only, and within a minimum distance of one metre from the fence line. All requests for removing vegetation in excess of one metre from the fence, or more than 20 trees per kilometre, must be submitted to Council for prior approval.
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	

1.3.10 Powers of Entry – Determine if an Emergency

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<u>Local Government Act 1995:</u> s.3.34(2) Entry in emergency s. [insert section title in full]
Delegate/s:	<<insert position title>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions [s.3.34(2)].
CEO Conditions on this Delegation:	a. Note: The CEO has discretion to determine any conditions applicable to use of delegated CEO powers or duties
Express Power to Sub-Delegate:	Nil.

1.3.11 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<u>Local Government (Uniform Local Provisions) Regulations 1996:</u> r.6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9,1 cl. 3(1)(a)
Delegate/s:	<<insert position title>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.2.10: <ol style="list-style-type: none"> 1. Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP r.6(4)(d)]. 2. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b). 3. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP r.6(5)(d)].
CEO Conditions on this Delegation:	<ol style="list-style-type: none"> a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.10 Obstruction of Footpaths and Thoroughfares. b. Actions under this Delegation must comply with the procedural requirements detailed in the <u>Local Government (Uniform Local Provisions) Regulations 1996</u>. c. Note: The CEO has discretion to determine any conditions applicable to use of delegated CEO powers or duties
Express Power to Sub-Delegate:	Nil.

1.3.12 Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<u>Local Government (Uniform Local Provisions) Regulations 1996:</u> r.11(6)(c) and (7)(c) Dangerous excavation in or near public thoroughfare – Sch. 9.1 cl.6
Delegate/s:	<<insert position title>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	When determining to grant permission to for a dangerous excavation under Delegated Authority 1.2.12: <ol style="list-style-type: none"> 1. Authority to determine, as a condition of granting permission, the sum sufficient to deposit to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.11(6)(c)]. 2. Authority to determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience [r.11(7)(c)]. 3. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily.
CEO Conditions on this Delegation:	<ol style="list-style-type: none"> a. Decisions under this Delegation must be exercised in alignment with Council’s Delegated Authority 1.2.12 Public Thoroughfares – Dangerous Excavations. b. Actions under this Delegation must comply with the procedural requirements detailed in <i>the <u>Local Government (Uniform Local Provisions) Regulations 1996.</u></i> a. Note: The CEO has discretion to determine any conditions applicable to use of delegated CEO powers or duties
Express Power to Sub-Delegate:	Nil.

1.3.13 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<u>Local Government (Uniform Local Provisions) Regulations 1996:</u> r.17(5)(b) and r.17(6)(c) Private works on, over, or under public places — Sch. 9.1 cl. 8
Delegate/s:	<<insert position title>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine, as a condition of granting permission for Private Works in Public Places, the sum sufficient to deposit with the Local Government to cover the cost of repairing damage to the public thoroughfare or public place resulting from the crossing construction, on the basis that the Local Government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.17(5)(b)]. 2. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [r.17(6)(c)].
CEO Conditions on this Delegation:	a. Note: The CEO has discretion to determine any conditions applicable to use of delegated CEO powers or duties
Express Power to Sub-Delegate:	Nil.

1.3.14 Appoint Persons (other than employees) to Open Tenders

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<u>Local Government (Functions and Genera) Regulations 1996:</u> r.16(3) Receiving and opening tenders, procedure for
Delegate/s:	<<insert position title>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to appoint one person (other than employees) to be present with an employee of the Local Government to open tenders, when two employees are unable to attend then tender opening [F&G r.16(3)].
CEO Conditions on this Delegation:	a. Note: The CEO has discretion to determine any conditions applicable to use of delegated CEO powers or duties
Express Power to Sub-Delegate:	Nil.

1.3.15 Electoral Enrolment Eligibility Claims and Electoral Roll

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<u>Local Government Act 1995:</u> s.4.32(4), (5A) & (5) Eligibility to enrol under s.4.30, how to claim s.4.34 Accuracy of enrolment details to be maintained s.4.35 Decision that eligibility to enrol under s.4.30 has ended s.4.37 New roll for each election <u>Local Government (Elections) Regulations 1997:</u> r.11(1a) Nomination of co-owners or co-occupiers — s.4.31 r.13(2) & (4) Register - s.4.32(6)
Delegate/s:	<<insert position title>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)]. 2. Authority to decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)]. 3. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.3.42(5A)]. 4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)]. 5. Authority to approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their families safety at risk [Elections r.13(2)]. 6. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)]. 7. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34]. 8. Authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination. 9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)]. 10. Decide, with the approval of the Electoral Commissioner,

	that a new electoral roll is not required for an election day which is less than 100 days since the last election day [s.4.37(3)].
CEO Conditions on this Delegation:	<ul style="list-style-type: none"> a. Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7). b. Note: The CEO has discretion to determine any conditions applicable to use of delegated CEO powers or duties
Express Power to Sub-Delegate:	Nil.

1.3.16 Destruction of Electoral Papers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<u>Local Government (Elections) Regulations 1997:</u> r.82(4) Keeping election papers – s4.84(a)
Delegate/s:	<<insert position title>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to, after a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [Elect. r.82(4)].
CEO Conditions on this Delegation:	a. Note: The CEO has discretion to determine any conditions applicable to use of delegated CEO powers or duties
Express Power to Sub-Delegate:	Nil.

1.3.17 Information to be Available to the Public

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer	
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees	
Express Power or Duty Delegated:	<u>Local Government (Administration) Regulations 1996:</u> r.29(2) &(3) Information to be available for public inspection (Acts s.5.94) r.29B Copies of certain information not to be provided (Act s.5.96) <u>Local Government Act 1995:</u> s.9.95(1)(b) & (3)(b) Limits on right to inspect local government information	
Delegate/s:	Name	Position
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine the public right to inspect information, by determining if the information requested relates to a part of a meeting that could have been closed to members of the public but was not [Admin. r.29(2)]. 2. Authority to determine the public right to inspect information in an agenda or minutes, by determining if the information requested would be part of the meeting which is likely to be closed to members of the public [Admin. r.29(3)]. 3. Authority to determine the manner and form by which a person may request copies of rates record information [s.5.94(m)] or owners and occupiers register and electoral rolls [s5.94(s)] and to make the information available, if satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes [Admin r.29B]. 4. Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s5.95(1)(b)]. 5. Authority to determine not to provide a right to inspect information contained in notice papers, agenda, minutes, or information tabled at a meeting, where it is considered that that part of the meeting could have been closed to members of the public but was not closed [s.5.94(3)(b)]. 	
CEO Conditions on this Delegation:	a. Note: The CEO has discretion to determine any conditions applicable to use of delegated CEO powers or duties	
Express Power to Sub-Delegate:	Nil.	

1.3.18 Financial Management Systems and Procedures

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer	
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees	
Express Power or Duty Delegated:	<u>Local Government (Financial Management) Regulations 1996:</u> r.5 CEO's Duties as to financial management	
Delegate/s:	Name	Position
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>1. Authority to establish systems and procedures which give effect to internal controls and risk mitigation for the:</p> <ul style="list-style-type: none"> i. Collection of money owed to the Shire of Dardanup; ii. Safe custody and security of money collected or held by the Shire of Dardanup; iii. Maintenance and security of all financial records, including payroll, stock control and costing records; iv. Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities; v. Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards; vi. Making of payments in accordance with Delegated Authority; vii. Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements. <p>[FM r.5].</p>	
CEO Conditions on this Delegation:	<ul style="list-style-type: none"> a. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. b. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once each financial year. [Audit r.17] c. Note: The CEO has discretion to determine any conditions applicable to use of delegated CEO powers or duties 	
Express Power to Sub-Delegate:	Nil.	

1.3.19 Audit – CEO Review of Systems and Procedures

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer	
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees	
Express Power or Duty Delegated:	<u>Local Government (Audit) Regulations 1996</u> r.17 CEO to review certain systems and procedures	
Delegate/s:	Name	Position
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to conduct the review of the appropriateness and effectiveness of the Shire of Dardanup's systems and procedures in relation to <ol style="list-style-type: none"> i. risk management; and ii. internal controls; and iii. legislative compliance [r.17(1)]. 	
CEO Conditions on this Delegation:	<ol style="list-style-type: none"> a. Each matter is to be reviewed at least once every 2 calendar years, with a report on each matter to be provided to the Audit and Risk Committee that details the findings, including any identified deficiencies, and actions required. b. Note: The CEO has discretion to determine any conditions applicable to use of delegated CEO powers or duties 	
Express Power to Sub-Delegate:	Nil.	

1.3.20 Infringement Notices

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<u>Local Government Act 1995:</u> 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 <u>Building Regulations 2012:</u> Regulation 70(1A), (1), (2) Approved officers and authorised officers
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to consider an owner of a vehicle's submission that the vehicle that is subject of an infringement notice, had been stolen or unlawfully taken at the time of the alleged offence [s.9.13(6)(b)]. 2. Authority to extend the 28-day period within which payment of a modified penalty may be paid, whether or not the period of 28-days has elapsed [s.9.19]. 3. Authority to withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s.9.20].
CEO Conditions on this Delegation:	<ol style="list-style-type: none"> a. A delegate who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this Delegation. b. Delegation for Dog Act, Cat Act, Parking Local Law, <<insert other relevant Acts / Local Laws>> Infringement Notices is limited to the following listed positions ONLY; <ol style="list-style-type: none"> (i) <<insert position title/s>> (ii) <<insert position title/s>> c. Delegation as an "Approved Officer" in accordance with <i>Building Regulation 70(1)</i> for the purposes of <i>Building Act 2011</i> Infringement Notices is limited to the following listed positions ONLY: <ol style="list-style-type: none"> (i) <<insert position title/s>> (ii) <<insert position title/s>> b. Note: The CEO has discretion to determine any conditions applicable to use of delegated CEO powers or duties
Express Power to Sub-Delegate:	Nil.

1.3.21 Use of Unmanned Aerial Vehicle (UAV) - Drone

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	
Express Power or Duty Delegated:	<u>Shire of Dardanup Policy Manual – CP043 – Use of Unmanned Aerial Vehicle - Drone</u>
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to approve all drone capture campaigns and be reasonably assured that any flight undertaken meets the standards outlined in the CASA Standard Operating Guide for very small RPA (100g < 2kg) remotely piloted aircraft, commercial flying with no license category, as modified from time to time.
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	

1.4 Local Law Delegations to the CEO

1.4.1 Infrastructure Control – Template Activities in Thoroughfares and Public Places and Trading Local Law

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Activities in Thoroughfares and Public Places and Trading Local Law:</i> cl.2.5(2) Removal of redundant crossing cl.2.6 Interpretation – “acceptable material” cl.2.11 Notice to owner or occupier cl.2.15 Assignment of numbers cl.2.17(1) Signs cl.5.3 Declaration of flora road cl.5.5 Signposting of flora roads cl.5.7 Designation of special environmental areas cl.6.18 Obligations of permit holder (Outdoor Eating Facility) cl.7.1 Application for Permit cl.7.2 Decision on application for permit cl.7.3 Conditions which may be imposed on a permit cl.7.5 Compliance with and variation of conditions cl.7.7 Renewal of permit cl.7.8 Transfer of permit cl.7.10 Cancellation of permit cl.9.1 Notice to redirect or repair sprinkler cl.9.2 Hazardous plants cl.9.3 Notice to repair damage to thoroughfare cl.9.4 Notice to remove thing unlawfully placed on thoroughfare cl.10.2 Local government may undertake requirements of notice
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. General Activity Control 1A. Authority, limit to permits subject of this delegation, to: <ol style="list-style-type: none"> a. determine the form of a permit application [cl.7.1(1)(a)]; b. require an applicant to provide additional information reasonably required to determine the application [cl.7.1(3)]; c. require a permit applicant to give local public notice of the application for a permit [cl.7.1(4)]; d. refuse to consider a permit application which is not in accordance with the application form or fee requirements [cl.7.1(4)]; e. determine the form of the permit [cl.7.2(2)]. 1B. Authority to approve [cl.7.2], renew [c;.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] permits, subject to conditions either prescribed in the Local Law [cl. 7.3] or a

	<p>Policy adopted under cl.7.4 or determined as appropriate [cl.7.2(4)], limited to:</p> <ul style="list-style-type: none"> a. Temporary vehicle crossing [cl.2.4(1)] b. Any activity described as requiring a permit under cl.2.2(1); <ul style="list-style-type: none"> i. dig or otherwise create a trench through or under a kerb or footpath; ii. throw, place or deposit anything on a verge; iii. cause any obstruction to a vehicle or person using a thoroughfare; iv. cause any obstruction to a water channel; v. throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare; vi. damage a thoroughfare; vii. light any fire or burn anything on a thoroughfare other than under a permit issued under cl.5.13; viii. fell any tree onto a thoroughfare; ix. lay pipes under or provide taps on any verge or place or install anything on any part of a thoroughfare; x. provide, erect, install or use in or on any building, structure or land abutting on a thoroughfare any hoist or other thing for use over the thoroughfare; xi. use or do anything so as to create a nuisance; xii. place or cause to be placed in on a thoroughfare a bulk rubbish container; xiii. interfere with the soil of or anything in a thoroughfare or take anything from a thoroughfare; c. Drive or take a vehicle on a closed thoroughfare [cl.2.19]; d. Erect or place an advertising or directional sign [cl.3.2] e. Use of portable signs [cl.3.4]; f. Erection or placement of an Election Sign on a thoroughfare [cl.3.5]; g. Leave an animal or vehicle in a public place or local government property [cl.4.1(1)]; h. Clear and maintain in a cleared state, the surface of a thoroughfare within 1m of the person's land [cl.5.11]. i. Burn, subject to the Bush Fires Act 1954, slash or apply herbicides to part of a thoroughfare to reduce fire hazard, with the method approved to be beneficial to
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	<p>the preservation and conservation of native flora and fauna [cl.5.15]</p> <p>b. Construct firebreaks on a thoroughfare [cl.5.17]</p> <p>1C. Authority to determine conditions [cl.7.2(4)] to be complied with by a permit holder, and to vary conditions [cl.7.5]</p> <p>1D. Authority to exempt a person from requiring a permit under cl.2.2(1) [cl.2.2(2)].</p> <p>2. Use of Public Places</p> <p>2A. Authority to determine conditions of use of a public place and to erect a sign to give effect to that decision [cl.2.17(1)].</p> <p>3. Crossings</p> <p>3A. Authority to give written notice, requiring an owner or occupier to remove any part or all of a crossing which does not give access to the land and reinstate the kerb, drain, footpath, verge and other thoroughfare infrastructure [cl.2.5(2)].</p> <p>4. Thoroughfares and Verges</p> <p>4A. Authority to determine and maintain the list of “acceptable materials” which may be used as a verge treatment to create a hard stand and stable surface [cl.2.6].</p> <p>4B. Authority to give notice to an owner or occupier to make good the verge abutting their property, which is in breach of a provision of Verge Treatment requirements [cl.2.11].</p> <p>4C. Authority to assign a number to a lot and to assign another number to the lot instead of that previously assigned [cl.2.15].</p> <p>4D. Authority to give notice to the owner or occupier of land abutting a thoroughfare to:</p> <p style="padding-left: 20px;">a. Alter the direction of a sprinkler or other watering equipment [cl.9.1];</p> <p style="padding-left: 20px;">b. Remove, cut, move or otherwise deal with a plant that is causing a hazard for any person using a thoroughfare [cl.9.2];</p> <p>4E. Authority to give notice to the owner or occupier of land abutting a thoroughfare, or any such person who may be responsible, to:</p> <p style="padding-left: 40px;">Repair or replace that portion of a thoroughfare, which a person has caused damage to [cl.9.3];</p> <p style="padding-left: 40px;">Remove any thing placed in a thoroughfare in contravention of this Local Law [cl.9.4].</p> <p>4F. Authority to do the thing specified in a notice, where a person fails to comply with the notice, and recover from the</p>
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	<p>person as a debt, the costs incurred in doing so [cl.10.2].</p> <p>5. Flora and Fauna within Thoroughfares</p> <p>5A. Authority to declare a flora road and to signpost it, where roadside vegetation is determined as high quality [cl.5.3 and cl.5.5].</p> <p>5B. Authority to designate a thoroughfare, or any part of a thoroughfare, as a special environmental area which has protected or rare flora or fauna or has environmental, aesthetic or cultural significance [cl.5.7].</p> <p>5C. Authority to approve [cl.7.2], renew [c;.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] Permits, subject to conditions either prescribed in the Local Law [cl. 7.3] or a policy adopted under cl.7.4 or determined as appropriate [cl.7.2(4)], limited to:</p> <ul style="list-style-type: none"> a. Collecting native flora and / or native flora seeds [cl.5.20]; b. Planting or sowing any plant seeds in a thoroughfare [cl.5.9]. <p>5D. Authority to determine conditions [cl.7.2(4) and cl.7.8] to be complied with by a permit holder, and to vary conditions [cl.7.5]</p>
<p>Council Conditions on this Delegation:</p>	<p>a. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties</p>
<p>Express Power to Sub-Delegate:</p>	<p><u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees</p>

1.4.2 Trading, Stallholders, Performing and Outdoor Dining – Activities in Thoroughfares and Public Places and Trading Local Law

<p>Delegator: <i>Power / Duty assigned in legislation to:</i></p>	<p>Local Government</p>
<p>Express Power to Delegate: <i>Power that enables a delegation to be made</i></p>	<p><u>Local Government Act 1995:</u> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</p>
<p>Express Power or Duty Delegated:</p>	<p><i>Activities in Thoroughfares and Public Places and Trading Local Law:</i> cl. 5.5 (2) Refusal of Stallholder Permit 5.6 (1) Conditions of Permit</p>
<p>Delegate:</p>	<p>Chief Executive Officer</p>
<p>Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	<p>1. Refusal of Stallholder permit application 1A Authority to refuse to approve an application for a stallholder’s permit on the grounds that –</p> <ul style="list-style-type: none"> a) The applicant has committed a breach of any provision of the Activities in Thoroughfares and Public Places and Trading Local Law, or any written law relevant to the activity for which the permit is sought; b) The applicant is not a desirable or suitable person to hold a permit; c) Such other grounds as the local government may consider to be relevant in the circumstances of the case. <p>2. Conditions of Permit 2A Authority to include conditions listed in Clause 5.6 in a Permit.</p> <p>3. Power to Authorise 3A Authority to authorise (at the request of a permit holder) another person to be a nominee of the permit holder for a specified period.</p> <p>4. Written Notice 4A Authority to issue written notice on a permit holder varying:</p> <ul style="list-style-type: none"> a. The permitted area; b. The permitted time; or c. Both the permitted area and the permitted time. <p>5. Direction 5A Authority to give notice to a permit holder of an “Outdoor Eating Facility” to carry out work within in the time limited by the notice.</p>

	<p><i>“Work” includes:</i></p> <p><i>Removal, alteration, repair, reinstatement or reconstruction of any part of a public place arising from or in connection with the setting up or conduct of a Facility.</i></p> <p>6. Power to Require Information</p> <p>6A Authority to require an applicant to provide additional information reasonably related to an application (for a Permit) before determining that application.</p> <p>7. Power to Refuse</p> <p>7A Authority to refuse to consider an application for a Permit which is not in accordance with Clause 6.1 (2).</p> <p>8. Permit to Trade</p> <p>8A Authority to approve an application for a permit to trade unconditionally or subject to any conditions, in accordance with the Mobile Trader’s Policy.</p> <p>9. Refuse a Permit</p> <p>9A Authority to refuse to approve an application for a permit.</p> <p>10. Written Notice</p> <p>10A Authority to issue written notice (to an applicant) of refusal to approve an application.</p> <p>11. Written Notice</p> <p>11A Authority to issue written notice (to an applicant) of refusal to approve an application.</p> <p>12. Conditions on Permit</p> <p>12A Authority to impose conditions listed in Clause 6.3 on a permit.</p> <p>13. Vary Conditions of a Permit</p> <p>13A Authority to vary the conditions of a permit.</p> <p>14. Transfer of Permit</p> <p>14A Authority to approve an application to transfer a Permit, refuse to approve it, or approve it subject to any conditions.</p> <p>15. Cancellation of a Permit</p> <p>15A Authority to cancel a Permit.</p>
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Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

2 Building Act 2011 Delegations

2.1 Council to CEO / Employees

2.1.1 Building Act 2011

Delegator: <i>Power / Duty assigned in legislation to:</i>	
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Building Act 2011:</u>
Express Power or Duty Delegated:	
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	

2.1.2 Council Buildings MOU

Delegator: <i>Power / Duty assigned in legislation to:</i>	
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Building Act 2011:</u>
Express Power or Duty Delegated:	
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	

2.1.3 Grant a Building Permit

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Building Act 2011:</u> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<u>Building Act 2011:</u> s.18 Further Information s.20 Grant of building permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit <u>Building Regulations 2012:</u> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)]. 2. Authority to grant or refuse to grant a building permit [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and(3)]. 4. Authority to determine an application to extend time during which a building permit has effect [r.23]. <ol style="list-style-type: none"> i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].
Council Conditions on this Delegation:	a. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Building Act 2011:</u> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

2.1.4 Demolition Permits

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Building Act 2011:</u> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<u>Building Act 2011:</u> s.18 Further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit <u>Building Regulations 2012</u> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)]. 2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and(3)]. 4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]. <ol style="list-style-type: none"> i. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].
Council Conditions on this Delegation:	a. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Building Act 2011:</u> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

2.1.5 Occupancy Permits or Building Approval Certificates

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Building Act 2011:</u> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<u>Building Act 2011:</u> s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.62(1) and (3) Conditions imposed by permit authority s.65(4) Extension of period of duration <u>Building Regulations 2012</u> r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55]. 2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58]. 3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)]. 4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40].
Council Conditions on this Delegation:	a. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Building Act 2011:</u> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

2.1.6 Designate Employees as Authorised Persons

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Building Act 2011:</u> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<u>Building Act 2011:</u> s.96(3) authorised persons s.99(3) Limitation on powers of authorised person
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to designate an employee as an authorised person [s.96(3)]. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)].
Council Conditions on this Delegation:	a. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Building Act 2011:</u> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

2.1.7 Building Orders

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

	duties
Express Power to Sub-Delegate:	<u>Building Act 2011:</u> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

2.1.8 Inspection and Copies of Building Records

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Building Act 2011:</u> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<u>Building Act 2011:</u> s.131(2) Inspection, copies of building records
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine an application from a n interested person to inspect and copy a building record [s.131(2)].
Council Conditions on this Delegation:	a. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Building Act 2011:</u> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

2.1.9 Referrals and Issuing Certificates

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Building Act 2011:</u> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<u>Building Act 2011:</u> s.145A Local Government functions
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)]. 2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire of Dardanup's District [s.145A(2)].
Council Conditions on this Delegation:	a. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Building Act 2011:</u> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

2.1.10 Private Pool Barrier – Alternative Solutions –(plus performance solutions)

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Building Act 2011:</u> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<u>Building Regulations 2012:</u> r.51 Approvals by permit authority
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926.1 [r.51(2)] 2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)] 3. Authority to approve alternative solutions to a Building Code pool barrier requirement if satisfied that the alternative solution complies with the relevant performance requirement [r.51(5)].
Council Conditions on this Delegation:	a. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Building Act 2011:</u> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

2.1.11 Smoke Alarms – Alternative Solutions

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Building Act 2011:</u> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<u>Building Regulations 2012:</u> r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55]. 2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].
Council Conditions on this Delegation:	a. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Building Act 2011:</u> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

3 Bush Fires Act 1954 Delegations

3.1 Council to CEO, Mayor and Bush Fire Control Officer

3.1.1 Bush Fires Act 1954 Section 59(3)

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Bush Fires Act 1954:</u> s.59 Prosecution of offences
Express Power or Duty Delegated:	<u>Bush Fires Act 1954:</u> s.59 (3) Prosecution of offences
Delegate:	Chief Executive Officer Director Engineering & Development Services Manager Development Services Coordinator Emergency & Ranger Services Senior Ranger/Fire Control Officer Ranger/Fire Control Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

3.1.2 Make Request to FES Commissioner – Control of Fire

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Bush Fires Act 1954:</u> s.48 Delegation by local government
Express Power or Duty Delegated:	<u>Bush Fires Act 1954:</u> s.13(4) Duties and powers of bush fire liaison officers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to request on behalf of the Shire of Dardanup that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s.13(4)]. 2. The Chief Executive Officer may authorise the Chief Bush Fire Control Officer or the Deputy Chief Bush Fire Control Officers to request the FES Commissioner to authorise the Bush Fire Liaison Officer or another person to take control of fire operations, to be undertaken as their duties in the course of normal business, in accordance with [s.48(4)]
Council Conditions on this Delegation:	a. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

3.1.3 Prohibited Burning Times – Vary

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Bush Fires Act 1954:</u> s.48 Delegation by local government
Express Power or Duty Delegated:	<u>Bush Fires Act 1954:</u> s.17(7) Prohibited burning times may be declared by Minister <u>Bush Fire Regulations 1954:</u> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
Delegate:	Shire President and Chief Bush Fire Control Officer (jointly)
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer [s.17(7)].
Council Conditions on this Delegation:	a. Decisions under s,17(7) must be undertake jointly by both the Shire President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8). b. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

3.1.4 Prohibited Burning Times – Control Activities

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Bush Fires Act 1954:</u> s.48 Delegation by local government
Express Power or Duty Delegated:	<u>Bush Fires Act 1954:</u> s.17(7) Prohibited burning times may be declared by Minister s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land <u>Bush Fire Regulations 1954:</u> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15]. 2. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C]. 3. Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)]. 4. Authority to issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)]. 5. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)]. 6. Authority to recover the cost of measures taken by the Shire of Dardanup or Bush Fire Control Officer, to extinguish a fire burning during Prohibited Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].

<p>Council Conditions on this Delegation:</p>	<p>a. Decisions under s,17(7) must be undertake jointly by both the Shire President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).</p> <p>b. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties</p>
<p>Express Power to Sub-Delegate:</p>	<p><i>NIL – Sub-delegation is prohibited by s.48(3)</i></p>

3.1.5 Restricted Burning Times – Vary and Control Activities

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Bush Fires Act 1954:</u> s.48 Delegation by local government
Express Power or Duty Delegated:	<u>Bush Fires Act 1954:</u> s.18(5), (11) Restricted burning times may be declared by FES Commissioner s.22(6) and (7) Burning on exempt land and land adjoining exempt land s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land <u>Bush Fire Regulations 1954:</u> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.15C Local Government may prohibit burning on certain days r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority, where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18(5)]. <ol style="list-style-type: none"> a. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C]. 2. 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)]. 3. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15]. 4. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)]. 5. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire

	<p>Control Officer is obtained [r.38C].</p> <ol style="list-style-type: none"> 6. Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B]. 7. Authority to issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)]. 8. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)]. 9. Authority to recover the cost of measures taken by the Shire of Dardanup or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].
<p>Council Conditions on this Delegation:</p>	<ol style="list-style-type: none"> a. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
<p>Express Power to Sub-Delegate:</p>	<p><i>NIL – Sub-delegation is prohibited by s.48(3)</i></p>

3.1.6 Control of Operations Likely to Create Bush Fire Danger

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Bush Fires Act 1954:</u> s.48 Delegation by local government
Express Power or Duty Delegated:	<u>Bush Fires Act 1954:</u> s.27D Requirements for carriage and deposit of incendiary material <u>Bush Fire Regulations 1954:</u> r.39C Welding and cutting apparatus, use of in open air r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc. r.39D Explosives, use of r.39E Fireworks, use of
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. 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. a person operating a bee smoker device during a prescribed period [r.39CA(5)]. b. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)]. c. a person using explosives [r.39D(2)]. d. a person using fireworks [r.39E(3)] 2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D]. <i>Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.</i>
Council Conditions on this Delegation:	a. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	NIL – Sub-delegation is prohibited by s.48(3) ??

3.1.7 Burning Garden Refuse / Open Air Fires

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Bush Fires Act 1954:</u> s.48 Delegation by local government
Express Power or Duty Delegated:	<u>Bush Fires Act 1954:</u> s.24F Burning garden refuse during limited burning times s.24G Minister or local government may further restrict burning of garden refuse s.25 No fire to be lit in open air unless certain precautions taken s.25A Power of Minister to exempt from provisions of section 25 <u>Bush Fire Regulations 1954:</u> r.27(3) Permit, issue of
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)]. 2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)]. <ol style="list-style-type: none"> a. Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3) and r.33(5)]. b. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plan growing upon any land within the District [r.34]. 3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of: <ol style="list-style-type: none"> a. camping or cooking [s.25(1)(a)]. b. conversion of bus into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)]. 4. Authority to prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s.25(1a) and (1b)]. 5. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person from lighting a fire and to

	determine conditions on the notice [s.25A(5)].
Council Conditions on this Delegation:	a. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

3.1.8 Fire-Breaks

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Bush Fires Act 1954:</u> s.48 Delegation by local government
Express Power or Duty Delegated:	<u>Bush Fires Act 1954:</u> s.33 Local government may require occupier of land to plough or clear fire-breaks
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Shire of Dardanup: <ol style="list-style-type: none"> a. clearing of fire-breaks as determined necessary and specified in the notice; and b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and c. as a separate or coordinated action with any other person carry out similar actions [s.33(1)]. 2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)]. <ol style="list-style-type: none"> a. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].
Council Conditions on this Delegation:	a. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	NIL – Sub-delegation is prohibited by s.48(3)

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

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Bush Fires Act 1954:</u> s.48 Delegation by local government
Express Power or Duty Delegated:	<u>Bush Fires Act 1954:</u> s.38 Local Government may appoint bush fire control officer
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. 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"> a. Of those Officers, appoint 2 as the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer; and b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)]. 2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire of Dardanup [s.38(5A)] 3. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)]. <ol style="list-style-type: none"> a. Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].
Council Conditions on this Delegation:	a. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

3.1.10 Control and Extinguishment of Bush Fires

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Bush Fires Act 1954:</u> s.48 Delegation by local government
Express Power or Duty Delegated:	<u>Bush Fires Act 1954:</u> s.46 Bush fire control officer or forest officer may postpone lighting fire
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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>a. Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised CALM Act office is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)].</p>
Council Conditions on this Delegation:	a. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	NIL – Sub-delegation is prohibited by s.48(3)

3.1.11 Apply for Declaration as an Approved Area

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Bush Fires Act 1954:</u> s.48 Delegation by local government
Express Power or Duty Delegated:	<u>Bush Fires Act 1954:</u> s.52(1) Approved area may be declared
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to apply to the Minister to have the local government district, or part of the district, declared as an approved area. [s.50(1)] (Note - The declaration of a district, or part thereof, as an approved area, results in a reduction in insurance premium of crops within that area s.53.)
Council Conditions on this Delegation:	a. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

3.1.12 Recovery of Expenses Incurred through Contraventions of this Act

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Bush Fires Act 1954:</u> s.48 Delegation by local government
Express Power or Duty Delegated:	<u>Bush Fires Act 1954:</u> s.58 General penalty and recovery of expenses incurred
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover expenses incurred as a result of an offence against the Bush Fires Act, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Shire of Dardanup or those on behalf of the Shire of Dardanup to do [s.58].
Council Conditions on this Delegation:	a. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	NIL – Sub-delegation is prohibited by s.48(3) ????

3.1.13 Prosecution of Offences

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Bush Fires Act 1954:</u> s.48 Delegation by local government
Express Power or Duty Delegated:	<u>Bush Fires Act 1954:</u> s.59 Prosecution of offences s.59A Alternative procedure – infringement notices
Delegate:	Chief Executive Officer, Bush Fire Control Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59]. 2. Authority to serve an infringement notice for an offence against this Act [s.59A].
Council Conditions on this Delegation:	a. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	NIL – Sub-delegation is prohibited by s.48(3) ?????

4 Cat Act 2011 Delegations

4.1 Council to CEO

4.1.1 Cat Registrations

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Cat Act 2011:</u> s.44 Delegation by local government
Express Power or Duty Delegated:	<u>Cat Act 2011:</u> s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)]. 3. Authority to cancel a cat registration [s.10]. 4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <u>Cat Act 2011</u>. b. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Cat Act 2011:</u> s.45 Delegation by CEO of local government

4.1.2 Cat Control Notices

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Cat Act 2011:</u> s.44 Delegation by local government
Express Power or Duty Delegated:	<u>Cat Act 2011:</u> s.26 Cat control notice may be given to cat owner
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire of Dardanup's District [s.26].
Council Conditions on this Delegation:	a. Part 3 – Management of Cats – Division 1 – Cat Control Notices Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Cat Act 2011:</u> s.45 Delegation by CEO of local government

4.1.3 Approval to Breed Cats

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Cat Act 2011:</u> s.44 Delegation by local government
Express Power or Duty Delegated:	<u>Cat Act 2011:</u> s.37 Approval to Breed Cats s.38 Cancellation of approval to breed cats s.39 Certificate to be given to approved cat breeder
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)]. 3. Authority to cancel an approval to breed cats [s.38]. 4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <u>Cat Act 2011</u>. b. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Cat Act 2011:</u> s.45 Delegation by CEO of local government

4.1.4 Appoint Authorised Persons

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Cat Act 2011:</u> s.44 Delegation by local government
Express Power or Duty Delegated:	<u>Cat Act 2011:</u> s. 48 Authorised persons
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to appoint authorised persons by issuing a certificate of authorisation [s.48].
Council Conditions on this Delegation:	a. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Cat Act 2011:</u> s.45 Delegation by CEO of local government

4.1.5 Recovery of Costs – Destruction of Cats

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.49(3) Authorised person may cause cat to be destroyed
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)].
Council Conditions on this Delegation:	a. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

4.1.6 Applications to Keep Additional Cats

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Cat Act 2011:</u> s.44 Delegation by local government
Express Power or Duty Delegated:	<u>Cat (Uniform Local Provisions) Regulations 2013:</u> r.8 Application to keep additional number of cats r.9 Grant of approval to keep additional number of cats
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to require any document or additional information required to determine an application [r.8(3)] 2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)]. 2. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Notices of decisions must include advice as to Review rights in accordance with r.11 of the <u>Cat (Uniform Local Provisions) Regulations 2013</u>. b. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Cat Act 2011:</u> s.45 Delegation by CEO of local government

4.1.7 Reduce or Waiver Registration Fee

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Regulations 2012:</i> Schedule 3 Fees clause 1(4)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat.
Council Conditions on this Delegation:	<p>a. This delegation does NOT provide authority to determine to reduce or waiver the fees payable in regard to any <u>class of cat</u> within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the <i>Local Government Act 1995</i>.</p> <p>b. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties</p>
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

4.2 Cat Act Delegations - CEO to Employees

4.2.1 Infringement Notices – Extensions and Withdrawals

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer	
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Cat Act 2011:</u> s.45 Delegation by CEO of local government	
Express Power or Duty Delegated:	<u>Cat Act 2011:</u> s.64 Extension of time s.65 Withdrawal of notice	
Delegate/s:	Name	Position
	Mr Luke Botica	Director Engineering & Development Services
	Mr Brenton Scambler	Manager Development Services
	Mrs Erin Hutchins	Coordinator Emergency & Ranger Services
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed [s.64]. 2. Authority, within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s.65]. 	
Council Conditions on this Delegation:	a. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties	
Express Power to Sub-Delegate:	Nil.	

5 Dog Act 1976 Delegations

5.1 Council to CEO

5.1.1 Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Dog Act 1976:</u> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<u>Dog Act 1976:</u> s.10A Payments to veterinary surgeons towards costs of sterilisation
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine where a resident who is the owner of a registered dog, would suffer hardship in paying the whole of the cost of sterilisation and determine to pay part of such costs to a maximum value of \$500. [s.10A(1)(a) and (3)]. 2. Authority to give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation [s.10A(1)(b) and (2)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. b. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Dog Act 1976:</u> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

5.1.2 Refuse or Cancel Registration

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Dog Act 1976:</u> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<u>Dog Act 1976:</u> s.15(2) Registration periods and fees s.16(3) Registration procedure s.17A(2) If no application for registration made s.17(4) and (6) Refusal or cancellation of registration
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)]. 2. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: <ol style="list-style-type: none"> i. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the Cat Act 2011 or the Animal Welfare Act 2002; or ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept iv. the dog is required to be microchipped but is not microchipped; or v. the dog is a dangerous dog [s.16(3) and s.17A(2)]. 3. 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)]. <ol style="list-style-type: none"> i. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had be found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties

	<p>contained in this Delegation.</p> <p>b. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties</p>
<p>Express Power to Sub-Delegate:</p>	<p><u>Dog Act 1976:</u> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)</p>

5.1.3 Kennel Establishments

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Dog Act 1976:</u> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<u>Dog Act 1976:</u> s.27 Licensing of approved kennel establishments
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)].
Council Conditions on this Delegation:	<p>a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</p> <p>b. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties</p>
Express Power to Sub-Delegate:	<u>Dog Act 1976:</u> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

5.1.4 Appoint Authorised Persons

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Dog Act 1976:</u> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<u>Dog Act 1976:</u> s.11(1) Staff and Services
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to appoint Registration Officers to exercise the powers and duties conferred on a Registration Officer by this Act [s.3]. 2. Authority to appoint authorised persons to exercise the powers conferred on an authorised person by this Act [s.11(1)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. b. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Dog Act 1976:</u> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

5.1.5 Recovery of Moneys Due Under this Act

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Dog Act 1976:</u> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<u>Dog Act 1976:</u> s.29(5) Power to seize dogs
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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)].
Council Conditions on this Delegation:	<p>a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</p> <p>b. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties</p>
Express Power to Sub-Delegate:	<u>Dog Act 1976:</u> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

5.1.6 Dispose of or Sell Dogs Liable to be Destroyed

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Dog Act 1976:</u> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<u>Dog Act 1976:</u> s.29(11) Power to seize dogs
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].
Council Conditions on this Delegation:	<ul style="list-style-type: none"> a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. b. Proceeds from the sale of dogs are to be directed into the Municipal Fund. c. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Dog Act 1976:</u> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

5.1.7 Declare Dangerous Dog

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Dog Act 1976:</u> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<u>Dog Act 1976:</u> s.33E(1) Individual dog may be declared to be dangerous dog (declared)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to declare an individual dog to be a dangerous dog [s.33E(1)].
Council Conditions on this Delegation:	<p>a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</p> <p>b. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties</p>
Express Power to Sub-Delegate:	<u>Dog Act 1976:</u> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

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

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Dog Act 1976:</u> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<u>Dog Act 1976:</u> s.33F(6) Owners to be notified of making of declaration s.33G(4) Seizure and destruction s.33H(1) Local government may revoke declaration or proposal to destroy
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)]. 2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)]. 3. Authority to revoke a declaration of a dangerous dog or notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)] <p>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)].</p>
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. b. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Dog Act 1976:</u> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

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

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33H(5) Local government may revoke declaration or proposal to destroy
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]: (a) a notice declaring a dog to be dangerous; or (b) a notice proposing to cause a dog to be destroyed.
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. b. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

5.1.10 Determine Recoverable Expenses for Dangerous Dog Declaration

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33M(1)(a) Local Government expenses to be recoverable
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to any maximum amount prescribed, having regard to the expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s.33H(5)].
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. b. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

6 Food Act 2008 Delegations

6.1 Council to CEO

6.1.1 Determine Compensation

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Food Act 2008:</u> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<u>Food Act 2008:</u> s.56(2) Compensation to be paid in certain circumstances s.70(2) and (3) Compensation
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s.56(2)]. 2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2) and (3)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$5,000. Compensation requests above this value are to be reported to Council. c.
Express Power to Sub-Delegate:	NIL – <u>Food Regulations 2009</u> do not provide for sub-delegation.

6.1.2 Prohibition Orders

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government	
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Food Act 2008:</u> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations	
Express Power or Duty Delegated:	<u>Food Act 2008:</u> s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection	
Delegate:	Name	Position
	Mr Neil Nicholson	Principal Environmental Health Officer
	Mrs Corinne Shaw	Environmental Health Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)]. 2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66]. 3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)]. 	
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. 	
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.	

6.1.3 Food Business Registrations

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government	
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Food Act 2008:</u> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations	
Express Power or Duty Delegated:	<u>Food Act 2008:</u> s.110(1) and (5) Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses	
Delegate:	Name	Position
	Mr Neil Nicholson	Principal Environmental Health Officer
	Mrs Corinne Shaw	Environmental Health Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)]. 2. Authority to vary the conditions or cancel the registration of a food business [s.112]. 	
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ul style="list-style-type: none"> • <u>Food Act 2008</u> Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA • Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1 • WA Priority Classification System • Verification of Food Safety Program Guideline 	
Express Power to Sub-Delegate:	NIL – <u>Food Regulations 2009</u> do not provide for sub-delegation.	

6.1.4 Appoint Authorised Officers and Designated Officers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Food Act 2008:</u> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<u>Food Act 2008:</u> s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to appoint a person to be an authorised officer for the purposes of the <u>Food Act 2008</u> [s.122(2)]. 2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the <u>Public Health Act 2016</u>, to be a Designated Officer for the purposes of issuing Infringement Notices under the <u>Food Act 2008</u> [s.126(13)]. 3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].
Council Conditions on this Delegation:	<p>a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to:</p> <ul style="list-style-type: none"> • Appointment of Authorised Officers as Meat Inspectors • Appointment of Authorised Officers • Appointment of Authorised Officers – Designated Officers only • Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer
Express Power to Sub-Delegate:	NIL – <u>Food Regulations 2009</u> do not provide for sub-delegation.

6.1.5 Debt Recovery and Prosecutions

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Food Act 2008:</u> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<u>Food Act 2008:</u> s.54 Cost of destruction or disposal of forfeited item s. [insert section title in full]
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)].
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express Power to Sub-Delegate:	NIL – <u>Food Regulations 2009</u> do not provide for sub-delegation.

6.1.6 Abattoir Inspections and Fees

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Food Act 2008:</u> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<u>Food Regulations 2009:</u> r.43 Local government may require security r.45 Withdrawal of inspection services
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority, relevant to the payment of abattoir meat inspection fees under Food Regulation 41, to: <ol style="list-style-type: none"> i. require a person to provide security, ii. determine the form that security is to be provided, and iii. discharge a security held by the Shire of Dardanup [r.43]. 2. Authority to give written notice and withdraw abattoir meat inspection services, pending payment of any fees due and payable [r.45].
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express Power to Sub-Delegate:	NIL – <u>Food Regulations 2009</u> do not provide for sub-delegation.

6.1.7 Food Businesses List – Public Access

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government	
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Food Act 2008:</u> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations	
Express Power or Duty Delegated:	<u>Food Act 2008:</u> r.51 Enforcement agency may make list of food	
Delegate:	Name	Position
	Mr Neil Nicholson	Principal Environmental Health Officer
	Mrs Corinne Shaw	Environmental Health Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].	
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.	
Express Power to Sub-Delegate:	NIL – <u>Food Regulations 2009</u> do not provide for sub-delegation.	

7 Graffiti Vandalism Act 2016 Delegations

7.1 Council to CEO

7.1.1 Give Notice Requiring Obliteration of Graffiti

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Graffiti Vandalism Act 2016:</u> s.16 Delegation by local government
Express Power or Duty Delegated:	<u>Local Government Act 1995:</u> s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)]. 2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)].
Council Conditions on this Delegation:	a. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Graffiti Vandalism Act 2016:</u> s.17 Delegation by CEO of local government

7.1.2 Notices – Deal with Objections and Give Effect to Notices

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Graffiti Vandalism Act 2016:</u> s.16 Delegation by local government
Express Power or Duty Delegated:	<u>Local Government Act 1995:</u> s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to deal with an objection to a notice [s.22(3)]. 2. Authority, where an objection has been lodged, to: <ol style="list-style-type: none"> i. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s.24(1)(b)] and ii. to give notice to the affected person, before taking the necessary actions [s.24(3)].
Council Conditions on this Delegation:	a. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Graffiti Vandalism Act 2016:</u> s.17 Delegation by CEO of local government

7.1.3 Obliterate Graffiti on Private Property

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Graffiti Vandalism Act 2016:</u> s.16 Delegation by local government
Express Power or Duty Delegated:	<u>Local Government Act 1995:</u> s.25(1) Local government graffiti powers on land not local government property
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s.25(1)].
Council Conditions on this Delegation:	a. Subject to exercising Powers of Entry. b. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Graffiti Vandalism Act 2016:</u> s.17 Delegation by CEO of local government

7.1.4 Powers of Entry

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Graffiti Vandalism Act 2016:</u> s.16 Delegation by local government
Express Power or Duty Delegated:	<u>Local Government Act 1995:</u> s.28 Notice of entry s.29 Entry under warrant
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28]. 2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].
Council Conditions on this Delegation:	a. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<u>Graffiti Vandalism Act 2016:</u> s.17 Delegation by CEO of local government

8 Public Health Act 2016 Delegations

8.1 Council to CEO

8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Health (Asbestos) Regulations 1992:</i> r.15D(7) Infringement Notices
Express Power or Duty Delegated:	<i>Health (Asbestos) Regulations 1992:</i> r.15D(5) Infringement Notices
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 [r.15D(5)].
Council Conditions on this Delegation:	a. 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)]. b. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	Nil – the <i>Health (Asbestos) Regulations 1992</i> do not provide a power to sub-delegate.

8.1.2 Enforcement Agency Reports to the Chief Health Officer

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.22 Reports by and about enforcement agencies
Delegate:	Chief Executive Officer <u>OR</u> <<Designated Authorised Officer - Position Title>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Shire of Dardanup. [s.22(1)] 2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].
Council Conditions on this Delegation:	a. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

8.1.3 Designate Authorised Officers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.24(1) and (3) Designation of authorised officers
Delegate:	Chief Executive Officer <u>OR</u> <<Designated Authorised Officer - Position Title>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to designate a person or class of persons as authorised officers for the purposes of: <ul style="list-style-type: none"> i. The Public Health Act 2016 or other specified Act ii. Specified provisions of the Public Health Act 2016 or other specified Act iii. Provisions of the Public Health Act 2016 or another specified Act, other than the specified provisions of that Act. <p>Including:</p> <ul style="list-style-type: none"> a. an environmental health officer or environmental health officers as a class; OR b. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR c. a mixture of the two. [s.24(1) and (3)].
Council Conditions on this Delegation:	<ul style="list-style-type: none"> a. Subject to each person so appointed being; <ul style="list-style-type: none"> • Appropriately qualified and experienced [s.25(1)(a)]; and • Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31]. b. A Register (list) of authorised officers is to be maintained in accordance with s.27. c. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

8.1.4 Determine Compensation for Seized Items

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.264 Compensation
Delegate:	Chief Executive Officer <u>OR</u> <<Designated Authorised Officer - Position Title>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264].
Council Conditions on this Delegation:	a. Compensation is limited to a maximum value of \$\$<<value>>, with any proposal for compensation above this value to be referred for Council's determination. b. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

8.1.5 Commence Proceedings

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.280 Commencing Proceedings
Delegate:	Chief Executive Officer <u>OR</u> <<Designated Authorised Officer - Position Title>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to commence proceedings for an offence under the <i>Public Health Act 2016</i> [s.280]
Council Conditions on this Delegation:	a. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

9 Planning and Development Act 2005

9.1 Council to CEO

9.1.1 Illegal Development

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Planning and Development Act 2005:</i> Section 214(2), (3) and (5)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements; 2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> (a) to remove, pull down, take up, or alter the development; and (b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority. 3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.
Council Conditions on this Delegation:	a. Note: Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

9.2 CEO to Employees

9.2.1 Oversized Outbuildings

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Shire of Dardanup Local Planning Scheme No.3</u> Part 7, s.7.12 Delegation of Functions
Express Power or Duty Delegated:	
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to interpret and apply the provisions of the Shire of Dardanup Town Planning Scheme No.3, any relevant planning policy, study, or strategy and issue refusals where there is no exercise of discretion involved, deemed refusals, or approvals with relevant conditions.
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers

9.2.2 Amendments to Building Envelopes

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Shire of Dardanup Local Planning Scheme No.3</u> Part 7, s.7.12 Delegation of Functions
Express Power or Duty Delegated:	
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to interpret and apply the provisions of the Shire of Dardanup Town Planning Scheme No.3, any relevant planning policy, study, or strategy and issue refusals where there is no exercise of discretion involved, deemed refusals, or approvals with relevant conditions.
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers

9.2.3 Extinguishment of Restrictive Covenants

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Shire of Dardanup Local Planning Scheme No.3</u> Part 7, s.7.12 Delegation of Functions
Express Power or Duty Delegated:	
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to interpret and apply the provisions of the Shire of Dardanup Town Planning Scheme No.3, any relevant planning policy, study, or strategy and issue refusals where there is no exercise of discretion involved, deemed refusals, or approvals with relevant conditions.
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers

9.2.4 Landscape Buffer to Australind Bypass Road (Forrest Highway)

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Shire of Dardanup Local Planning Scheme No.3</i> <i>Part 7, s.7.12 Delegation of Functions</i>
Express Power or Duty Delegated:	
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to interpret and apply the provisions of the Shire of Dardanup Town Planning Scheme No.3, any relevant planning policy, study, or strategy and issue refusals where there is no exercise of discretion involved, deemed refusals, or approvals with relevant conditions.
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> <i>Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers</i>

9.2.5 Recommendations to the WAPC

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Shire of Dardanup Local Planning Scheme No.3</u> Part 7, s.7.12 Delegation of Functions
Express Power or Duty Delegated:	
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to make recommendations for the Support and Refusal for the creation or amalgamation of lots to the Western Australian Planning Commission.
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers

9.2.6 Respond to Town Planning Correspondence

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Shire of Dardanup Local Planning Scheme No.3</u> Part 7, s.7.12 Delegation of Functions
Express Power or Duty Delegated:	
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to respond to correspondence relating to general town planning matters, reserve administration, vegetation clearing applications and provide recommendations with appropriate conditions.
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers

9.2.7 Section 40 Certificates under the Liquor Licensing Act 1988

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Shire of Dardanup Local Planning Scheme No.3 Part 7, s.7.12 Delegation of Functions
Express Power or Duty Delegated:	Liquor Control Act 1988 Part 3, Div 2,s.40 Certificate of planning authority as to whether use of premises complies with planning laws.
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to respond to applications for a certificate of planning authority under the Liquor Control Act 1988
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers

9.2.8 Advertising and Referrals of Planning Proposal

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Shire of Dardanup Local Planning Scheme No.3</u> <u>Part 7, s.7.12 Delegation of Functions</u> <u>Planning and Development (Local Planning Schemes) Regulations 2015</u> <u>Schedule 2, Part 10 cl.82 – Delegations by Local Government</u>
Express Power or Duty Delegated:	
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to advertise and refer applications for Structure plans, Local Development Plans and Development Approval to statutory authorities and affected residents for their determination and/or comment.
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> <u>Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers</u>

9.2.9 Extractive Industry Contravention

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Shire of Dardanup Local Planning Scheme No.3</u> Part 7, s.7.12 Delegation of Functions
Express Power or Duty Delegated:	
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to deal with complaints and contravention of extractive industry licences and deal with contraventions accordingly.
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers

9.2.10 Direction Notice

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Shire of Dardanup Local Planning Scheme No.3</u> <i>Part 7, s.7.12 Delegation of Functions</i>
Express Power or Duty Delegated:	Planning and Development Act 2005 Part 13, Div 1, s.214 Illegal development, responsible authority's powers as to
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to Issue a written Direction Notice to owner or any other person undertaking a development, or any part of a development that is in contravention of a planning scheme or an interim development order or in contravention of planning control area requirements to: <ol style="list-style-type: none"> 1. Stop the development and not recommence the development or that part of the development. 2. 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.
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> <i>Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers</i>

9.2.11 Development in Bushfire Prone Areas

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Shire of Dardanup Local Planning Scheme No.3</u> <i>Part 7, s.7.12 Delegation of Functions</i>
Express Power or Duty Delegated:	
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Unless exempt under Schedule 2, Part 10A, cl. 78B of the <u>Planning and Development (Local Planning Schemes) Regulations 2015</u> , Authority to approve development in designated Bushfire Prone Areas, subject to an Application for Development Approval being accompanied by a BAL Assessment, prepared by an accredited Level 1 Bushfire Attack Level Assessor (unless circumstances warrant a basic BAL Assessment undertaken by the landowner / proponent as indicated in Clause 3.2.1 of the ' <u>Guidelines for Planning in Bushfire Prone Areas</u> ').
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> <i>Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers</i>

9.2.12 Local Development Plans

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Shire of Dardanup Local Planning Scheme No.3</u> Part 7, s.7.12 Delegation of Functions
Express Power or Duty Delegated:	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, part 6 Review and consolidation of local planning schemes.
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to approve Local development plans prepared in accordance with Schedule 2, part 6 of the <u>Planning and Development (Local Planning Schemes) Regulations 2015</u> , subject to no objections being received if advertised to affected landowners and/or residents in the locality
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers

9.2.13 Temporary Works and Uses

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Shire of Dardanup Local Planning Scheme No.3</u> Part 7, s.7.12 Delegation of Functions
Express Power or Duty Delegated:	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 7, cl. 61, (1)(f) and (2)(d) – Development for which development approval not required
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to extend the 48 hour period for temporary works and uses to remain exempt from development approval under Schedule 2, Part 7, cl. 61, (1)(f) and (2)(d).
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers

9.2.14 Waiving of Application Fees for Development Approval

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Shire of Dardanup Local Planning Scheme No.3</u> Part 7, s.7.12 Delegation of Functions
Express Power or Duty Delegated:	
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to waive development application fees associated with the following: <ul style="list-style-type: none"> • Applications made by the Shire of Dardanup on land owned and/or managed by the Shire of Dardanup. • Applications made by community groups on land owned and/or managed by the Shire of Dardanup.
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers

9.3 Local Planning Scheme – Council to CEO

9.3.1 Development that is noted with a 'P' in Appendix 1 of Shire of Dardanup Town Planning Scheme No.3

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Shire of Dardanup Local Planning Scheme No.3</u> Part 7, s.7.12 Delegation of Functions
Express Power or Duty Delegated:	
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to interpret and apply the provisions of the Shire of Dardanup Town Planning Scheme No.3, any relevant planning policy, study, or strategy and issue refusals where there is no exercise of discretion involved, deemed refusals, or approvals with relevant conditions.
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers

9.3.2 Development that is shown as a 'D' or 'A' in Appendix 1 of Shire of Dardanup Town Planning Scheme No.3

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Shire of Dardanup Local Planning Scheme No.3</u> Part 7, s.7.12 Delegation of Functions
Express Power or Duty Delegated:	
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to interpret and apply the provisions of the Shire of Dardanup Town Planning Scheme No.3, any relevant planning policy, study, or strategy and issue refusals where there is no exercise of discretion involved, deemed refusals, or approvals with relevant conditions.
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers

9.3.3 Development that is permitted as an Additional Use in Appendix IV or a Restricted Use in Appendix V of Shire of Dardanup Town Planning Scheme No 3

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Shire of Dardanup Local Planning Scheme No.3</i> <i>Part 7, s.7.12 Delegation of Functions</i>
Express Power or Duty Delegated:	
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to interpret and apply the provisions of the Shire of Dardanup Town Planning Scheme No.3, any relevant planning policy, study, or strategy and issue refusals where there is no exercise of discretion involved, deemed refusals, or approvals with relevant conditions.
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> <i>Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers</i>

9.3.4 Variation to Setback

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Shire of Dardanup Local Planning Scheme No.3</u> <i>Part 7, s.7.12 Delegation of Functions</i>
Express Power or Duty Delegated:	
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to interpret and apply the provisions of the Shire of Dardanup Town Planning Scheme No.3, any relevant planning policy, study, or strategy and issue refusals where there is no exercise of discretion involved, deemed refusals, or approvals with relevant conditions.
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> <i>Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers</i>

9.3.5 Development of Land

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Shire of Dardanup Local Planning Scheme No.3</u> Part 7, s.7.12 Delegation of Functions
Express Power or Duty Delegated:	
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to interpret and apply the provisions of the Shire of Dardanup Town Planning Scheme No.3, any relevant planning policy, study, or strategy and issue refusals where there is no exercise of discretion involved, deemed refusals, or approvals with relevant conditions.
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers

9.3.6 Amendments to a Development Approval

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Shire of Dardanup Local Planning Scheme No.3</i> <i>Part 7, s.7.12 Delegation of Functions</i>
Express Power or Duty Delegated:	
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>Authority to:</p> <ol style="list-style-type: none"> 1. Amending a Development Approval by extending the period within which the approved development must be substantially commenced in accordance with Schedule 2, Part 9, Clause 77 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> 2. Amending a Development Approval by amending or deleting conditions in accordance with Schedule 2, Part 9, Clause 77 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, subject to the original Development Approval having been granted under delegation. 3. Amending an aspect of a Development Approval which, if amended, would not substantially change the development approved in accordance with Schedule 2, Part 9, Clause 77 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> 4. Amending or deleting a condition of a Development Approval imposed by Council on the advice of an external advice agency, subject to the amendment of deletion being consistent with amended advice being received from the relevant external advice agency.
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> <i>Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers</i>

9.3.7 Bushland Development Area – External Cladding

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Shire of Dardanup Local Planning Scheme No.3 Part 7, s.7.12 Delegation of Functions
Express Power or Duty Delegated:	Shire of Dardanup Local Planning Scheme No.3 c.3.16.8(d) Bushland Development Area
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to approve variation to the external cladding of a building within a Bushland Development area.
CEO Conditions on this Delegation:	<ul style="list-style-type: none"> The following provisions shall apply to land within a Bushland Development Area notwithstanding the other development standards of the Scheme. No building shall be constructed of an external cladding other than brick, unless approved by Council.[c.3.16.18(d)] <p>No objections being received if advertised under Schedule 2, Part 8, Clause 64 of the Deemed Provisions for Local Planning Schemes, Planning and Development (Local Planning Schemes) Regulations 2015</p>
Express Power to Sub-Delegate:	Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers

9.3.8 Variation to Standards and Requirements

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Shire of Dardanup Local Planning Scheme No.3 Part 7, s.7.12 Delegation of Functions
Express Power or Duty Delegated:	
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>Authority to apply the provisions of clause 7.6 of Town Planning Scheme No.3 to vary:</p> <ul style="list-style-type: none"> • Landscape Buffer to Australind Bypass Road (Forrest Highway): clause 3.18.1(i) of Town Planning Scheme No. 3 preventing the development of buildings or structures with the landscape buffer to the Australind Bypass Road (Forrest Highway) subject to the proposal not requiring the removal of existing vegetation and no objections being received if advertised under Schedule 2, Part 8, Clause 64 of the Deemed Provisions for Local Planning Schemes, Planning and Development (Local Planning Schemes) Regulations 2015 • Construction Materials: Appendix VIII – Additional Requirements – Small Holding Zones clause 1(i) of Area 4 – Henty Brook Estate, clause 1(d) of Area 6 – Copplestone South, clause 1(l) of Area 10 – Garvey Road and clause 1(h) of Area 12 – Greenwood Heights requiring dwellings to be constructed from materials other than brick or stone subject to the materials of the proposed dwelling being of a standard which is compatible with the surrounding environment and no objections being received if advertised under Schedule 2, Part 8, Clause 64 of the Deemed Provisions for Local Planning Schemes, Planning and Development (Local Planning Schemes) Regulations 2015
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers

9.3.9 Unauthorised Existing Developments

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Shire of Dardanup Local Planning Scheme No.3</i> <i>Part 7, s.7.12 Delegation of Functions</i>
Express Power or Duty Delegated:	
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>1. Unauthorised existing developments that are denoted with a 'P' in Appendix 1 of Shire of Dardanup Town Planning Scheme No. 3, or are ancillary to the primary approved use of the property, subject to the existing unauthorised development or use complying with the provisions of the Scheme as required under Clause 7.10.</p> <p>2. Unauthorised existing developments that are denoted with a 'D' or 'A' in Appendix 1 of Shire of Dardanup Town Planning Scheme No. 3, subject to the existing unauthorised development or use complying with the provisions of the Scheme as required under Clause 7.10, subject to no objections being received if advertised under Schedule 2, Part 8, Clause 64 of the Deemed Provisions for Local Planning Schemes, <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> , with the exception of the following uses:</p> <ul style="list-style-type: none"> • Hotel • Caravan Park • Motel • Tavern • Nightclub • Liquor Store • Industry - Extractive • Industry – Noxious or Hazardous
CEO Conditions on this Delegation:	With the condition that unauthorised existing developments that are denoted with a 'D' or 'A' in Appendix 1 of Shire of Dardanup Town Planning Scheme No. 3 within the Landscape Protection Area be brought back to Council. [Res 163/16].
Express Power to Sub-Delegate:	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> <i>Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers</i>

9.3.10 Minor Variations to Car parking

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Shire of Dardanup Local Planning Scheme No.3</u> Part 7, s.7.12 Delegation of Functions
Express Power or Duty Delegated:	
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to review and approve minor variations to carparking requirements as indicated in Appendix IIA of the Shire of Dardanup Town Planning Scheme No. 3, subject to adequate justification being provided by the applicant demonstrating that variation will not result in adverse offsite impacts.
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers

10 Environmental Health Delegations

10.1 Council to CEO

10.1.1 Septic Installations

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974</u> Part2 Div 1 r.4 Approval of construction or installation of apparatus by local government
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to approve septic installations and issue "Permit to Use an Apparatus" and Serve notices requiring alteration or amendments to non-complying systems.
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Health (Miscellaneous Provisions) Act 1911</u> Part II, Div 1, s.13A CEO and Chief Health Officer may delegate

10.1.2 Certificate of Local Government

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Liquor Control Act 1988</u> Part 3, Div 2 s.39 Certificate of local government as to whether premises comply with laws
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to respond to applications for Section 39 Certificates under the <u>Liquor Control Act 1988</u> subject to compliance with the <u>Health (Miscellaneous Provisions) Act 1911</u> , <u>Public Health Act 2016</u> , The <u>Food Act 2008</u> , any written law applying to the sewerage or drainage of those premises, the <u>Local Government Act 1995</u> and the <u>Building Act 2011</u> .
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Local Government Act 1988</u>

11 Health Services Delegations

11.1 Council to CEO

11.1.1 Sewers, Toilets & Septic Systems

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Health (Miscellaneous Provisions) Act 1911</u> Partv IV, Div 2 Connection of premises to drains and sewers of local government
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>1. Written Notice 1A. Authority to require property owner to connect property to sewer if within 91m. (S. 81)</p> <p>2. Written Notice 2A. Authority to require property owner to permit municipal sewer or drain to go through/under private land. (S. 83)</p> <p>3. Written Notice 3A. Authority to require property owner to fill any land which is lower than the level of the street, road, sewer or drain. (S. 86)</p> <p>4. Health Order 4A Authority to require a person to drain, cover, fill any pool, ditch, sewer, or drain. (S. 87)</p> <p>5. Written Notice 5A. Authority to require a property owner to open a floor to ascertain presence of any waste or stagnant water underneath. (S. 88)</p> <p>6. Written Notice 6A Authority to require property owner to install septic system. (S. 99)</p> <p>7. Written Notice 7A Authority to require owner of a house or business to supply sanitary conveniences for occupants/workers. (S. 101)</p> <p>8. Approval 8A. Authority to grant approval for construction of septic system. (S. 107 (3))</p> <p>9. Permit</p>

	<p>9A Authority to grant permit to use a septic system. (S. 107 (5))</p> <p>10. Written Notice</p> <p>10A Authority to require rectification of any drain, toilet or septic system. (S. 108)</p> <p>11. Written Notice</p> <p>11A Authority to serve notice on occupier of property to remove rubbish which cannot be removed by municipal rubbish services (S. 112)</p>
<p>CEO Conditions on this Delegation:</p>	
<p>Express Power to Sub-Delegate:</p>	<p><i>Health (Miscellaneous Provisions) Act 1911</i> <i>Part II, Div 1, s.13A CEO and Chief Health Officer may delegate</i></p>

11.1.2 Sanitary Provisions – Pollution of Water

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	Health (<i>Miscellaneous Provisions</i>) Act 1911 S. 131 and 132 <i>Part 9, Div 6 Reporting requirements</i>
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>1. Direction</p> <p>1A. Authority to direct that any water supply be close where directed to do so by the Executive Director of Public Health; or where in the opinion of 2 legally qualified medical practitioners the water supply is so polluted or unwholesome as to be unfit for human consumption. (S. 131)</p> <p>2. Written Notice</p> <p>2A. Authority to post-up notice that a water supply is for drinking purposes and the trespassing of pigs, dogs, ducks, and geese thereon are prohibited. (S. 132)</p>
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Health (<i>Miscellaneous Provisions</i>) Act 1911</u> <i>Part II, Div 1, s.13A CEO and Chief Health Officer may delegate</i>

11.1.3 Houses Unfit (For Human Habitation)

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Health (Miscellaneous Provisions) Act 1911</u> Part V, Div 1 Houses unfit for occupation
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>1. Written Notice</p> <p>1A. Authority to issue written notice declaring that any house, or any specified part thereof, is unfit for human habitation. (S. 135)</p> <p>2. Written Notice</p> <p>2A. Authority to serve notice on the owner of a house to clean or repair the house. (S. 139)</p>
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Health (Miscellaneous Provisions) Act 1911</u> Part II, Div 1, s.13A CEO and Chief Health Officer may delegate

11.1.4 Lodging Houses

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Health (Miscellaneous Provisions) Act 1911</u> Part V, Div 2 Lodging-houses
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Written Notice 1A. Authority to issue written notice requiring the owner of a lodging house to obtain a proper supply of water and do all works necessary for that purpose. (S. 150)
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Health (Miscellaneous Provisions) Act 1911</u> Part II, Div 1, s.13A CEO and Chief Health Officer may delegate

11.1.5 Public Buildings

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Health (Miscellaneous Provisions) Act 1911</u> Part VI, Public buildings
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Approval 1A. Authority to issue (written) approval (subject to conditions) for an application to construct, extend or alter a public building. (S. 177) 2. Certificate of Approval 2A. Authority to open or use a public building. (S. 178)
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Health (Miscellaneous Provisions) Act 1911</u> Part II, Div 1, s.13A CEO and Chief Health Officer may delegate

11.1.6 Nuisances and Offensive Trades

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Health (Miscellaneous Provisions) Act 1911</u> Part VII Nuisances and offensive trades
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>1. Verbal/written Direction</p> <p>1A. Authority to require an owner or occupier of a premises to abate any nuisance from an offensive trade. (S. 184)</p> <p>2. Power of Refuse Registration</p> <p>2A. Authority to refuse to register or renew the registration of any lodging house or premises for an offensive trade unless constructed or maintained in accordance with the Shire of Dardanup's Health Local Laws. (S. 192)</p> <p>3. Written Notice</p> <p>3A. Authority to require the owner of a slaughter-house, or premises connected therewith, to make improvements as to make it comply with the Health Act. (S. 196 (1))</p> <p>4. Power to cancel Registration</p> <p>4A. Authority to cancel or refuse to renew registration of a slaughter-house. (s. 196 (2))</p>
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Health (Miscellaneous Provisions) Act 1911</u> Part II, Div 1, s.13A CEO and Chief Health Officer may delegate

11.1.7 Analytical Services

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Health (Miscellaneous Provisions) Act 1911</u> Part VIII A s. 247D Participation in scheme by local governments
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Written Notice 1A. Authority to advise the Analytical Committee that the Shire of Dardanup desires to participate in the (analytical) scheme being operated by the analytical committee. (S. 247D)
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Health (Miscellaneous Provisions) Act 1911</u> Part II, Div 1, s.13A CEO and Chief Health Officer may delegate

**Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste)
11.1.8 Regulations 1974**

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974</u> Part 2 Div 1 r.4 Approval of construction or installation of apparatus by local government r.10 Permit to use apparatus
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>1. Approval</p> <p>1A. Authority to grant written approval for the construction of a septic system serving a single dwelling or processing not more than 540L or sewage per day. (R. 4 (3) (a))</p> <p>2. Refusal to grant Approval</p> <p>2A. Authority to refuse to grant approval for the construction of a septic system. (R. 4 (3) (b))</p> <p>3. Permit</p> <p>3A. Authority to grant a permit permitting a septic system, or any other apparatus for the treatment of sewage. (R. 10 (2))</p>
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Health (Miscellaneous Provisions) Act 1911</u> Part II, Div 1, s.13A CEO and Chief Health Officer may delegate

11.1.9 Health (Public Buildings) Regulations 1992

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Health (Public Buildings) Regulations 1992</u> Regulations 9A, 13 and 26A
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>1. Certificate of Approval</p> <p>1A. Authority to vary a Certificate of Approval (upon receipt of an application under Reg. 9 to vary the Certificate). (R. 9A (1))</p> <p>2. Certificate of Approval</p> <p>2A. Authority to impose such conditions on a Certificate of Approval as the PEHO thinks proper in relation to variation of a Certificate of Approval. (R. 9A (3) (a))</p> <p>3. Written Notice</p> <p>3A. Authority to vary or revoke a condition imposed under Reg 9A (3) (a) by Written Notice served on the occupier of the public building. (R. 9A (3) (b))</p> <p>4. Approval</p> <p>4A. Authority to approval manually operating sliding exit doors for a public building. (R. 14 (2))</p> <p>5. Written Direction</p> <p>5A. Authority to direct a person to amend an emergency management plan for a public building. (R. 26A (3))</p>
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Health (Miscellaneous Provisions) Act 1911</u> Part II, Div 1, s.13A CEO and Chief Health Officer may delegate

11.1.10 Caravan Parks and Camping Grounds Act Delegations

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Caravan Parks and Camping Grounds Act 1995</u> Sections 8, 10, 11, 12 and 21
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>1. License</p> <p>2A. Authority to grant or renew a license, and at any time impose conditions on that license. (S. 8 (4))</p> <p>2. Refusal of renewal of license</p> <p>Authority to refuse to renew a license if:</p> <p>2A. The license holder has been convicted of an offence under this Act, or any written law relating to caravanning or camping;</p> <p>a) 2B. A condition imposed on a license has been contravened; or</p> <p>The license was obtained by fraud, or misrepresentation. (S. 8 (6))</p> <p>3. Notice in Writing</p> <p>3A. Authority to give notice in writing of a decision for refusal to grant or renew a license. (S. 8 (7))</p> <p>4. Prohibition Notice</p> <p>4A. Authority to issue written notice to a Caravan Park license holder that the license holder is contravening the Act or any conditions imposed on the licence. (S. 10)</p> <p>5. Prohibition Notice</p> <p>5A. Authority to give written notice to a license holder that a Prohibition Notice issued under Reg. 10 is no longer in force. (S. 11 (2))</p> <p>6. Cancellation of License</p> <p>Authority to give written notice to cancel a license for a facility on the grounds that:</p> <p>6A. The license holder has been convicted of an offence under this Act, or any written law relating to caravanning or camping;</p> <p>a) 6B. A condition imposed on a license has been contravened; or</p> <p>The license was obtained by fraud, or misrepresentation. (S. 12 (1))</p>

	<p>7. Notice in Writing</p> <p>7A. Authority to give notice in writing to the license holder of a decision to cancel a license, and the reasons for cancellation. (S. 12 (2))</p> <p>8. Inspections</p> <p>8A. Authority to conduct inspections of each facility within the Authorised Persons district of operation at least once every 12 months. (S. 21 (1))</p> <p>9. Inspections</p> <p>9A. Authority to conduct inspections of a facility at any time. (S. 21 (2))</p> <p>10. Works Notice</p> <p>10A. Authority to issue a Works Specification Notice requiring a person on the facility to carry out work so that the Act or a condition imposed on the license is complied with. (S. 21 (3))</p>
<p>CEO Conditions on this Delegation:</p>	
<p>Express Power to Sub-Delegate:</p>	<p><u>Health (Miscellaneous Provisions) Act 1911</u> <i>Part II, Div 1, s.13A CEO and Chief Health Officer may delegate</i></p>

11.1.11 Liquor Control Act Delegations

Delegator: <i>Power / Duty assigned in legislation to:</i>	<i>Local Government</i>
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Liquor Control Act 1988</u>
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1A. Certificate of Local Government Authority to sign Section 39 certificate that a premises complies with all relevant requirements of the: <u>Health (Miscellaneous Provisions) Act 1911</u> and <u>Public Health Act 2016, Food Act 2008</u> <ul style="list-style-type: none"> • Any written law applying to the sewerage or drainage of those premises • <u>Local Government Act 1995</u> • <u>Building Act 2011</u>; And 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 (Section 39 (2))
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Health (Miscellaneous Provisions) Act 1911</u> <i>Part II, Div 1, s.13A CEO and Chief Health Officer may delegate</i>

11.1.12 Activities in Thoroughfares and Public Places and Trading Local Law Delegations

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Activities in Thoroughfares and Public Places and Trading Local Law 2009</i>
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>1. Waiving of Fees</p> <p>1A. Authority to waive or return any application fee for a stallholder's permit or trader's permit if the stall or trading activity is conducted:</p> <ul style="list-style-type: none"> • on a portion of a public place adjoining the normal place of business of the applicant; or • by a charitable organisation. (Cl. 5.7.2) <p>2. Refusal of Stallholder permit application</p> <p>2A. Authority to refuse to approve an application for a stallholder's permit on the grounds that –</p> <ul style="list-style-type: none"> • The applicant has committed a breach of any provision of the Activities in Thoroughfares and Public Places and Trading Local Law, or any written law relevant to the activity for which the permit is sought; • The applicant is not a desirable or suitable person to hold a permit; <p>Such other grounds as the local government may consider to be relevant in the circumstances of the case. (Cl. 5.5.2)</p> <p>3. Conditions of Permit</p> <p>3A. Authority to include conditions listed in Clause 5.6 in a Permit. (Cl. 5.6.1)</p> <p>4. Power to Authorise</p> <p>4A. Authority to authorise (at the request of a permit holder) another person to be a nominee of the permit holder for a specified period. (Cl. 5.6.2)</p> <p>5. Written Notice</p> <p>5A. Authority to issue written notice on a permit holder varying:</p> <ul style="list-style-type: none"> • The permitted area; • The permitted time; or <p>Both the permitted area and the permitted time. (Cl. 5.11.1)</p> <p>6. Direction</p> <p>6A. Authority to direct a permit holder to move from one</p>

	<p>permitted area to another (if more than one area is specified in the permit). (Cl. 5.11.2)</p> <p>7. Notice to require work</p> <p>7A. Authority to give notice to a permit holder of an "Outdoor Eating Facility" to carry out work within in the time limited by the notice.</p> <p><i>"Work" includes:</i> <i>Removal, alteration, repair, reinstatement or reconstruction of any part of a public place arising from or in connection with the setting up or conduct of a Facility. (Cl. 5.18.2)</i></p> <p>8. Power to require information</p> <p>8A. Authority to require an applicant to provide additional information reasonably related to an application (for a Permit) before determining that application. (Cl. 6.1.3)</p> <p>9. Power to refuse</p> <p>9A. Authority to refuse to consider an application for a Permit which is not in accordance with Clause 6.1 (2). (Cl. 6.1.5)</p> <p>10. Permit to Trade</p> <p>10A. Authority to approve an application for a permit (to trade) unconditionally or subject to any conditions in accordance with the Mobile Traders Policy. (Cl. 6.2.1.a)</p> <p>11. Refuse a Permit</p> <p>11A. Authority to refuse to approve an application for a permit. (Cl. 6.2.1.b)</p> <p>12. Written Notice</p> <p>12A. Authority to issue written notice (to an applicant) of refusal to approve an application. (Cl. 6.2.3)</p> <p>13. Conditions on Permit</p> <p>13A. Authority to impose conditions listed in Clause 6.3 on a permit. (Cl. 6.3)</p> <p>14. Vary conditions of a Permit</p> <p>14A. Authority to vary the conditions of a permit. (Cl. 6.4.2)</p> <p>15. Transfer of Permit</p> <p>15A. Authority to approve an application to transfer a Permit, refuse to approve it, or approve it subject to any conditions. (Cl. 6.7.2)</p> <p>16. Cancellation of a Permit</p> <p>16A. Authority to a Permit. (Cl. 6.9.1)</p> <p>17. Written Notice</p> <p>17A. Authority to issue a written notice to the owner or occupier of the property which abuts a portion of a thoroughfare on which anything is placed in contravention of the Activities in</p>
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	<p>Thoroughfares and Public Places and Trading Local Law to remove the thing; AND</p> <p>17B. The authority to issue written notice on any person who is responsible for the thing being placed on a thoroughfare to remove the thing. (Cl. 8.4)</p>
<p>CEO Conditions on this Delegation:</p>	<p>NIL</p>
<p>Express Power to Sub-Delegate:</p>	

11.1.13 Shire of Dardanup Health Local Laws Delegations

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Shire of Dardanup Health Local Laws 2000</u>
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>1. Written Notice</p> <p>1A. Authority to issue a notice requiring an owner of a house to: Provide a different, or additional method of ventilation; or Cease using the house until it is properly ventilated. (Cl. 3.2.4.4)</p> <p>2. Written Notice</p> <p>2A. Authority to issue a notice requiring the occupier of a car park to: Provide a different or additional method of ventilation; and Cease using the car park until it is properly ventilated. (Cl. 5.7.2.2)</p> <p>3. Revoke of approval</p> <p>3A. Authority to revoke the approval to keep cage birds. (Cl. 5.2.8.1)</p> <p>4. Written Notice</p> <p>4A. Authority to issue written notice of revoke of approval to keep a cage-bird. (Cl. 5.2.8.2)</p> <p>5. Written Notice</p> <p>5A. Authority to issue a written notice permitting the use of a premises as a receiving depot for a laundry, dry cleaning establishment or dye works. (Cl. 9.4.2)</p>
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	<u>Health (Miscellaneous Provisions) Act 1911</u> <i>Part II, Div 1, s.13A CEO and Chief Health Officer may delegate</i>

11.1.14 Public Health Act 2016

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Public Health Act 2016</u> Part 2 Div 2 s.17Appointment of environmental health officers
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>1. Appointment of Environmental Health Officers 1A. Authority to appoint a person as an Environmental Health Officer.</p> <p>Officer Note: Under Section 21 of the <u>Public Health Act 2016</u> a local government may delegate a power or duty conferred or imposed on it to the Chief Executive Officer. This includes the power to appoint a person as an Environmental Health Officer under Section 17 of the Act. (S. 17)</p> <p>2. Designation of Authorised Officers 2A. Authority to designate a person as an Authorised Officer under the Public Health Act. (S. 24)</p> <p>3. Certificate of Authority 3A. Authority to issue a Certificate of Authority (i.e. Officer ID card) to a person who is designated as an Authorised Officer under the Act. (S. 30)</p>
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	CEO cannot on-delegate these powers

11.1.15 Health (Asbestos) Regulations 1992

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	<u>Health (Asbestos) Regulations 1992</u> Part 5 r.15D
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>1. Appointment of Authorised Officers</p> <p>1A. Authority to appoint a person (in writing) to be “authorised officers” or “approved officers” for the purposed of the Criminal Procedures Act 2004 Part 2. (S. 15D (5))</p> <p>2. Certificate of Authority</p> <p>2B. Authority to issue a certificate, badge, or identify card identifying an authorised officer as a person authorised to issue an infringement notice. (S. 15D (6))</p>
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	(It is not suitable that these powers be delegated beyond the local government CEO.)

11.1.16 Local Government Property Local Law Delegations

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> 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:	Local Government Property Local Law 2007 Cl. 3.3, 3.4 and 3.15
Delegate/s:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>1. Permit</p> <p>1A. Authority to approve an application for a permit for an activity defined under Clause 3.13 of the Local Government Property Local Law. (Cl. 3.3.1.a)</p> <p>2. Refusal to grant Permit</p> <p>2A. Authority to refuse to approve an application for permit to conduct an activity on local government property. (Cl. 3.3.1.b)</p> <p>3. Conditions on a Permit</p> <p>3A. Authority to approve a permit under Clause 3.3 (1) (a) subject to conditions in accordance with Clause 3.4 . (Cl. 3.4.1)</p> <p>4. Permit to Consume Liquor</p> <p>4A. In reference to the requirement of Clause 3.15 (1) (b), authority to permit the consumption of liquor on local government property. (Cl. 3.15)</p>
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	