



**CORPORATE & GOVERNANCE
DIRECTORATE**

**(Under Separate Cover)
APPENDICES 12.4.1C – Part 1**

**ORDINARY
COUNCIL MEETING**

To Be Held

**Wednesday, 30th of June 2021
Commencing at 5.00pm**

At

**Shire of Dardanup
ADMINISTRATION CENTRE EATON
1 Council Drive - EATON**

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(Appendix ORD: 12.4.1C)



Shire of Dardanup
Register of Delegated Authority - 2021/22

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INTRODUCTION

Introduction

Section 5.42 of the *Local Government Act 1995* (the Act) allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act (other than those under s5.43). The local government may also delegate the exercise of any of its powers to Committees pursuant to section 5.16, other than those under Section 5.17(1).

Section 5.44 of the Act provides for the Chief Executive Officer to delegate any of his or her powers to another employee, this must be done in writing. The Act also allows for the Chief Executive Officer to place conditions on any delegations that he or she has delegated. These powers or duties cannot, however, be further sub-delegated. These powers or duties are delegated to assist with improving the time taken to make decisions and are made within the constraints allowed by the relevant legislation. This is consistent with our commitment to a strong customer service focus.

The Department of Local Government & Communities *Guideline No.17 – Delegations*, establishes the principal issue in determining whether a statutory function or duty is suitable for 'acting through' that being - where the statute provides no discretion in carrying out a function or duty, then the function or duty may be undertaken through the 'acting through' concept.

Conversely, where the statute allows for discretion on the part of the decision maker, then the function must either be delegated or a person authorised, or a policy implemented, that provides sufficient control for another person to have that authority and fulfil the function or duty.

The *Local Government Act 1995* does not specifically define the meaning of the term "acting through", however section 5.45(2) states;

"Nothing in this Division is to read as preventing –

- (a) A local government from performing any of its functions by acting through a person other than the CEO"; or
- (b) A CEO from performing any of his or her functions by acting through another person."

The purpose of this register is to ensure a record is kept of those powers or duties that have been delegated to ensure accountability and to meet the requirements of Section 5.46 of the Act. This register is a public document that contains 'Instruments of Delegation' that detail the function being delegated and the relevant statutory reference which is the source of power for the exercise of that function. Without limiting the effect of sections 58 and 59 of the *Interpretation Act 1984*, these delegations, made under the Act have effect for the period of time specified in the delegation or where no period has been specified, indefinitely. Any decision to amend or revoke these delegations by a local government is to be by an absolute majority.

This register of delegated authority will be reviewed in accordance with the Act on an annual basis.

Delegations and authorisations under other Legislation

Where legislation provides for the direct delegation to authorise a person or a member of a class of persons by other agencies or decision makers. For example: the *Environmental Protection Act* allows for the CEO of the Department of Environment Regulation to grant delegated authority direct to a local government.

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

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

Planning and Development Act 2005 and associated regulations
Dog Act 1976 and regulations;
Cat Act 2011 and regulations
Bush Fires Act 1954, regulations and local law created under that Act;
Litter Act 1979 and regulations
Local Government (Miscellaneous Provisions) 1960 as amended;
Caravan Parks and Camping Grounds Act 1995;
Control of Vehicles (Off-Road Areas) Act 1978 and regulations;
Environmental Protection Act 1986
Environmental Protection (Noise) Regulations 1997
Building Act 2011

N.B. – This is not an exhaustive list.

DELEGATIONS

01. Local Government Act 1995

Local Government Act 1995

1.1 Council to Committees of Council

Delegation	1.1.1 Audit and Risk Committee
Category	Committee
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: 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	Local Government Act 1995: s.7.12A(2), (3) & (4) Duties of Local Government with respect to audits
Function	<ol style="list-style-type: none"> 1. Authority to meet with the Shire's Auditor at least once every year on behalf of the Council [s.7.12A(2)]. 2. Authority to: <ul style="list-style-type: none"> • examine the report of the Auditor and determine matters that require action to be taken by the Shire of Dardanup; and • 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 within 3 months after the audit report is received by the Shire of Dardanup. [s.7.12A(4)].
Delegates	Audit and Risk Committee
Conditions	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.
Express power to subdelegate	Nil. Sub-delegation is prohibited by s.7.1B.
Subdelegate conditions	Nil
Statutory framework	Nil

Policy	Department of Local Government, Sport and Cultural Industries Operational Guideline No. 09 - The appointment, function and responsibilities of Audit Committees 2020 - Audit and Risk Committee Charter
Record keeping	Audit Committee Minutes shall record and identify each decision made under this delegation in accordance with the requirements of Administration Regulation 19.
Date adopted	30 September 2020
Adoption references	Resolution Number 279-20 - Audit and Risk Committee Charter Instrument of Appointment and terms of Reference 2020.

Delegation	1.1.2 Bushfire Advisory Committee
Category	Committee
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.16 Delegation of some powers and duties to certain committees
Express power or duty delegated	Local Government Act 1995: s.5.17 Limits on delegation of powers and duties to certain committees
Function	Authority to endorse Firebreak Exemptions/Variations in accordance with the Shire of Dardanup Fire Prevention Order.
Delegates	Bushfire Advisory Committee
Conditions	1. The Committee has no specific powers under the Local Government Act and is to advise and make recommendations to Council only. 2. The Council reserves the right to delegate powers to the committee if circumstances require delegation. The Delegation shall be recorded in the council minutes prior to the delegation being exercised.
Express power to subdelegate	Nil. Sub-delegation is prohibited by s.7.1B.
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Shire of Dardanup Fire Prevention Order
Record keeping	Bushfire Advisory Minutes shall record and identify each decision made under this delegation in accordance with the requirements of Administration Regulation 19.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

1.2 Council to CEO

Delegation	1.2.1 Smoke Alarms – Alternative Solutions
Category	Building
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Building Act 2011: s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	Building Regulations 2012: r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
Function	1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55]. 2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Building Act 2011: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Building Asset Officer Principal Building Surveyor
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.

Delegation	1.2.2 Performing Functions Outside the District
Category	Administration/Business
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.3.20(1) Performing functions outside district
Function	<p>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)].</p> <p>2. However this section does not apply to anything that the Shire does in the district of another local government if it is done on behalf of the local government of that district.</p>
Delegates	CEO
Conditions	A decision to undertake a function outside the District, can only be made under this delegation where there is a relevant allocation within the Annual Budget and the performance of the functions does not negatively impact service levels within the District. Where these conditions are not met the matter must be referred for Council decision.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.3 Compensation for Damage Incurred when Performing Executive Function
Category	Financial Management
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.3.22(1) Compensation s.3.23 Arbitration
Function	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.
Delegates	CEO
Conditions	Delegation is limited to settlements which do not exceed a material value of \$10,000.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Deputy CEO Director Infrastructure Director Sustainable Development
Subdelegate conditions	Delegation is limited to settlements which do not exceed a material value of \$5,000.
Statutory framework	Nil
Policy	Local Government Act 1995 Commercial Arbitration Act 2012
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.4 Powers of Entry
Category	Administration/Business
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.3.34 Entry in an emergency s.3.36 Opening fences
Function	1. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)] 2. Authority to give notice and effect entry by opening a fence [s.3.36]
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Coordinator Emergency & Ranger Services Deputy CEO Director Infrastructure Director Sustainable Development Environmental Health Officer Manager Development Services Planning Officer Principal Building Surveyor Principal Environmental Health Officer Principal Planning Officer Ranger Senior Planning Officer Senior Ranger Statutory Enforcement Officer
Subdelegate conditions	Nil
Statutory framework	Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.

Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.5 Declare Vehicle is Abandoned Vehicle Wreck
Category	Law Enforcement
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.3.40A(4) Abandoned vehicle wreck may be taken
Function	Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
Delegates	CEO
Conditions	Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.2.6 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Coordinator Emergency & Ranger Services Director Infrastructure Director Sustainable Development Manager Development Services Senior Ranger
Subdelegate conditions	Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.2.6 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision.
Statutory framework	Local Government Act 1995 s.3.40A (4) Abandoned vehicle wreck may be taken
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.6 Disposing of Confiscated or Uncollected Goods
Category	Law Enforcement
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: 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
Function	<p>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)]</p> <p>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)]</p> <p>3. 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].</p> <p>4. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].</p>
Delegates	CEO
Conditions	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.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Coordinator Emergency & Ranger Services Director Sustainable Development Manager Development Services Senior Ranger
Subdelegate conditions	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.
Statutory framework	Local Government Act 1995: Part 3, Division 3, Subdivision 3 s.3.58 Disposing of Property – applies to the sale of goods under s.3.47 as if they were property referred to in that section.

Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.7 Disposal of Sick or Injured Animals
Category	Law Enforcement
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
Function	1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)]. 2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Delegates	CEO
Conditions	Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Coordinator Emergency & Ranger Services Deputy CEO Director Infrastructure Director Sustainable Development Manager Development Services Ranger Senior Ranger
Subdelegate conditions	Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.8 Close Thoroughfares to Vehicles
Category	Engineering
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.3.50 Closing certain thoroughfares to vehicles s.3.50A Partial closure of thoroughfare for repairs or maintenance s.3.51 Affected owners to be notified of certain proposals
Function	<p>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)].</p> <p>2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so:</p> <ul style="list-style-type: none"> • give; local public notice inviting submissions from any person, give written notice to surrounding land owners and the Commissioner of Main Roads s.50(4), (5) • consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)]. <p>3. Authority to revoke an order to close a thoroughfare [s.3.50(6)].</p> <p>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]</p> <p>5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s.3.51].</p>
Delegates	CEO
Conditions	<p>1. 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)].</p> <p>2. Maintain access to adjoining land [s.3.52(3)] (relevant to a Townsite only).</p>
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure
Subdelegate conditions	Nil

Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.9 Control Reserves and Certain Unvested Facilities
Category	Engineering
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government
Function	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 Parks and Reserves Act 1895. [s.3.54(1)].
Delegates	CEO
Conditions	Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure Director Sustainable Development
Subdelegate conditions	Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets.
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.10 Obstruction of Footpaths and Thoroughfares
Category	Engineering
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a) r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b) r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)
Function	<p>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:</p> <ul style="list-style-type: none"> • prevent damage to the footpath; or • prevent inconvenience to the public or danger from falling materials [ULP r.5(2)]. <p>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)].</p> <p>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)].</p> <p>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].</p> <p>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].</p>
Delegates	CEO
Conditions	<p>Permission may only be granted where, the proponent has:</p> <ul style="list-style-type: none"> • Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. • Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works. • Provided evidence of sufficient Public Liability Insurance. • Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.

Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Asset Inspector Director Infrastructure Director Sustainable Development Manager Assets Manager Development Services Ranger Senior Ranger
Subdelegate conditions	Permission may only be granted where, the proponent has: <ul style="list-style-type: none"> • Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. • Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works. • Provided evidence of sufficient Public Liability Insurance. • Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Statutory framework	Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.2 – Public Thoroughfare Obstruction – Determine Conditions Local Government (Uniform Local Provisions) Regulations 1996 Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.11 Gates Across Public Thoroughfares
Category	Engineering
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)
Function	<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)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure Director Sustainable Development Manager Assets Manager Development Services
Subdelegate conditions	Nil
Statutory framework	Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995
Policy	Nil

Record keeping

Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.

Delegation	1.2.12 Public Thoroughfare – Dangerous Excavations
Category	Engineering
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
Function	<p>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)].</p> <p>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)].</p> <p>3. Authority to impose conditions on granting permission [ULP r.11(6)].</p> <p>4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].</p>
Delegates	CEO
Conditions	<p>Permission may only be granted where, the proponent has:</p> <ul style="list-style-type: none"> • Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. • Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works. • Provided evidence of sufficient Public Liability Insurance. • Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Asset Inspector Director Infrastructure Manager Assets

<p>Subdelegate conditions</p>	<p>Permission may only be granted where, the proponent has:</p> <ul style="list-style-type: none"> • Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. • Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works. • Provided evidence of sufficient Public Liability Insurance. • Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
<p>Statutory framework</p>	<p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.3 – Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares</p> <p>Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995</p>
<p>Policy</p> <p>Record keeping</p> <p>Date adopted</p> <p>Adoption references</p>	<p>Nil</p> <p>Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.</p> <p>24 June 2020</p> <p>Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20</p>

Delegation	1.2.13 Crossing – Construction, Repair and Removal
Category	Engineering
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: 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)
Function	<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)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Asset Inspector Director Infrastructure Manager Assets
Subdelegate conditions	Nil
Statutory framework	Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995 Refer also Delegation under the Template Activities in Thoroughfares and Public Places and Trading Local Law
Policy	Nil

Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.14 Private Works on, over or under Public Places
Category	Engineering
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: r.17 Private works on, over, or under public places – Sch.9.1 cl.8
Function	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)].
Delegates	CEO
Conditions	Permission may only be granted where, the proponent has: <ul style="list-style-type: none"> • Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works. • 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. • Provided evidence of sufficient Public Liability Insurance. • Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Asset Inspector Director Infrastructure Manager Assets
Subdelegate conditions	Nil
Statutory framework	Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995

Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.15 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift
Category	Engineering
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: r.21(1) Wind erosion and sand drifts – Sch.9.1 cl.12
Function	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)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Asset Inspector Director Infrastructure Manager Assets
Subdelegate conditions	Nil
Statutory framework	Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.16 To purchase goods and services to a specified value.
Category	Administration/Business
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Function	To purchase goods and services: <ul style="list-style-type: none"> • Up to the value of \$200,000; and • Up to the value of \$300,000 for the Tax Office and other Government Agencies; and • Up to the value of \$300,000 for Creditors where an executed agreement or legal obligation exists which has prior Council endorsement.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Accountant Coordinator Emergency & Ranger Services Coordinator Library Services Deputy CEO Deputy Manager – Operations Director Infrastructure Director Sustainable Development ERC Sports & Facilities Coordinator IT Manager Maintenance Storeperson Manager Assets Manager Development Services Manager Financial Services Manager Governance & HR Manager Information Services Manager Infrastructure Planning & Design Manager Operations Manager Place and Community Engagement Manager Sport & Recreation Principal Building Surveyor Principal Environmental Health Officer Principal Parks & Environment Supervisor Principal Works Supervisor Project Officer Senior Governance Officer Senior Project Officer

<p>Subdelegate conditions</p>	<ol style="list-style-type: none"> 1. Signing of purchase orders of a value not to exceed your designated amount (as indicated on the memo supplied) for any one purchase as per the adopted budget. 2. All purchase orders must be prepared in accordance with Council’s CnG CP034 Procurement Policy. 3. Reference to Council for unbudgeted expenditure approval is to be made prior to the purchase order being lodged. 4. If the quoted purchase price exceeds the allocated budget, please refer to Manager Financial Service. <p>Chief Executive Officer \$200,000 Deputy Chief Executive Officer \$125,000 Director Infrastructure \$125,000 Director Sustainable Development \$125,000 Manager Assets \$20,000 Manager Development Services \$20,000 Manager Financial Services \$20,000 Manager Governance & HR \$20,000 Manager Information Services \$20,000 Manager Infrastructure Planning & Design \$20,000 Manager Operations \$20,000 Manager Place & Community Engagement \$20,000 Manager Sport & Recreation \$20,000 Accountant \$10,000 IT Manager \$10,000 Principal Building Surveyor \$10,000 Principal Environmental Health Officer \$10,000 Principal Parks & Environment Supervisor \$10,000 Principal Works Supervisor \$10,000 Coordinator Emergency & Ranger Services \$5,000 Coordinator Library Services \$5,000 Senior Governance Officer \$2,000 Senior Project Officer \$2,000 Project Officer \$2,000 Maintenance Storeperson \$2,000</p>
<p>Statutory framework</p>	<p>Nil</p>
<p>Policy</p>	<p>Shire of Dardanup Council Policy CnG CP034 - Procurement Policy</p>
<p>Record keeping</p>	<p>Note: As purchase orders are provided to Council in the ‘Accounts for Payment’ items at the Ordinary Council Meetings, you are not required to record when a purchase order is raised in the ‘Executed Delegations Register’.</p>

Delegation	1.2.17 Legal Opinion
Category	Administration/Business
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Function	To obtain legal opinion from solicitors where deemed appropriate.
Delegates	CEO
Conditions	If the cost of the legal opinion is expected to be greater than the allocated budget, Council is to be advised.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Deputy CEO Director Infrastructure Director Sustainable Development
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Exec CP012 – LEGAL REPRESENTATION – COSTS INDEMNIFICATION
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.

Delegation	1.2.18 Granting Subdivision Clearances
Category	Planning
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Function	To grant subdivision clearances where conditions have been met or covered by a bond, with the exception of particular subdivisions as directed by Council where Council requires those identified to be referred to Council for clearance.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure Director Sustainable Development
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.19 Execution of Documents & Application of Common Seal
Category	Administration/Business
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995 s 9.49A (2) and (4) Execution of documents
Function	1. Authorisation to sign documents with Shire President and apply the Common Seal in accordance with the Local Government Act. [s 9.49A (3)] 2. Authority to sign documents on behalf of the local government. [s 9.49A (1) (b), (4)]
Delegates	CEO
Conditions	A register is to be kept of each time the Common Seal is applied.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.20 Local Laws
Category	Administration/Business
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995 Section 3.18 <ul style="list-style-type: none"> • Bush Fire Act 1954 Section 48 (cannot be sub delegated) • Cat Act 2011 Section 44 and 45 • Dog Act 1976 Section 10A.A • Public Health Act 2016 Section 21
Function	Authority to administer the Shire's local laws and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the Shire under the Shire's local laws, and to delegate these functions further: <ul style="list-style-type: none"> • Bush Fire Brigades Local Law; • Cemeteries Local Law 2014; • Dust Control Local Law 2011; • Extractive Industries Local Law; • Health Local Laws 2000; • Local Government Property Local Law 2007; • Dogs Local Law 2014; • Parking and Parking Facilities Local Law 2009; • Standing Orders Local Law 2014; and • Keeping and Control of Cats Local Law 2014; • Activities in Thoroughfares and Public Places and Trading Local Law 2007.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Deputy CEO Director Infrastructure Director Sustainable Development
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil

Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.21 Issue Notices Requiring Certain Things to be Done by Owner or Occupier of Land
Category	Planning
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.3.24 Authorising persons under this Subdivision s.3.25 Notices requiring certain things to be done by owner or occupier of lands.
Function	Issue Notices Requiring Certain Things to be Done by Owner or Occupier of Land in accordance with the Act.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Deputy CEO Director Infrastructure Director Sustainable Development
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.22 Expressions of Interest for Goods and Services
Category	Financial Management
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.3.57 Tenders for providing goods or services Local Government (Functions and General) Regulations 1996 : r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
Function	1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21]. 2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r.23].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Deputy CEO Director Infrastructure Director Sustainable Development Procurement Officer
Subdelegate conditions	Nil
Statutory framework	Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures WALGA Subscription Service – Procurement Toolkit
Policy	Shire of Dardanup Council Policy CnG CP034 - Procurement Policy
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.

Delegation	1.2.23 Tenders for Goods and Services
Category	Administration/Business
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<p>Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</p>
Express power or duty delegated	<p>Local Government Act 1995: s.3.57 Tenders for providing goods or services</p> <p>Local Government (Functions and General) Regulations 1996 : 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</p>

<p>Function</p>	<ol style="list-style-type: none"> 1. Authority to call tenders [F&G r.11(1)]. 2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement [F&G r.11(f)]. 3. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the expense is included in the adopted Annual Budget (F&G.r.11(2)). 4. Authority to invite tenders although not required to do so [F&G r.13]. 5. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 6. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 7. 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)]. 8. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&G r.18(4)]. 9. 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)]. 10. Authority to determine that a variation proposed is minor in the context of the total goods or services sought through the invitation to tender, up to maximum of 10% or \$50,000 of the tender, whichever is the lesser. This delegation gives authority to then enter into minor variations with the successful tenderer before entering into a contract [F&G r.20(1) and (3)]. 11. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)]. 12. Authority to decline any tender [F&G r.18(5)]. 13. 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)] 14. Authority to: <ul style="list-style-type: none"> • Vary a contract that has been entered into with a successful tenderer, provided the variation does not change the scope of the original contract or increase the contract value up to maximum of 10% or \$50,000 of the tender, whichever is the lesser. • Exercise an extension option that was included in the original tender specification and contract in accordance with r.11(2)(j). [F&G r.21A]. 15. 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>Delegates</p>	<p>CEO</p>

<p>Conditions</p>	<p>1. Sole supplier arrangements may only be approved where a record is retained that evidences:</p> <ul style="list-style-type: none"> • A detailed specification; • The outcomes of market testing of the specification; • The reasons why market testing has not met the requirements of the specification; and • Rationale for why the supply is unique and cannot be sources through other suppliers; <p>2. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget and where the:</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. <p>3. 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>4. 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 subdelegate</p> <p>Subdelegates</p>	<p>Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees</p> <p>Deputy CEO Director Infrastructure Director Sustainable Development Procurement Officer</p>
<p>Subdelegate conditions</p> <p>Statutory framework</p> <p>Policy</p> <p>Record keeping</p>	<p>1. CEO is to sign off on all items of expenditure and tenders above the relevant directors purchasing authority (\$125,000)</p> <p>2. Procurement Officer is only authorised to carry out the following item from this delegation:</p> <ul style="list-style-type: none"> • 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 before entering into a contract [F&G r.20(1) and (3)]. <p>Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures</p> <p>WALGA Subscription Service – Procurement Toolkit</p> <p>Shire of Dardanup Council Policy CnG CP034 Procurement Policy</p> <p>Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.</p>

Delegation	1.2.24 Over Length Vehicles
Category	Engineering
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Function	<p>1. The Chief Executive Officer authorised to support Restricted Access Vehicles (RAV) in accordance with the Shire endorsed RAV network road maps.</p> <p>2. The Chief Executive Officer authorised to support the moving of grape harvesters and other specialist equipment through the Shire.</p> <p>3. The Chief Executive Officer authorised to support the transport of oversize loads through the Shire.</p> <p>4. The Chief Executive Officer authorised to support PBS applications where their performance meets the RAV network.</p> <p>5. Chief Executive Officer delegated authority to support Restricted Access Vehicles (RAV) in accordance with the Shire endorsed RAV Network Road Maps on the following roads:</p> <p>Road Section</p> <p>Andrew Foord Way - Entire Length - RAV 4.3 Banksia Road - Depiazzi Rd – Waste Site - RAV 3.3 Barcoo Close - Moore Rd - Freight Yard - RAV 7.3 Busher Road - Moore Rd - Timber Yard Access - RAV 7 Busher Road - Timber Yard Access - end - RAV 4 Coleman Turn - Entire Length - RAV 4.3 Copplestone Road - Martin Pelusey Rd - End RAV 4 Delmarco Drive - Entire Length - RAV 4.3 Depiazzi Road - Entire Length - RAV 3.3 Dowdells Line - O'Connor Rd – South Western Hwy - RAV 3 Ferguson Road - Waterloo Rd – Depiazzi Rd - RAV 3.3 Ferguson Road - Depiazzi Rd – LGA Boundary - RAV 3 Giorgi Road - South Western Hwy – Sutherland Way - RAV 4.3 Giorgi Road - Sutherland Way – End - RAV 4 Golding Crescent - Entire Length - RAV 4.3 Hardisty Court - Entire Length - RAV 4.3 Harris Road - LGA Boundary – Martin Pelusey Rd - RAV 4.3 Kerr Road - Entire Length - RAV 4.3 King Tree Road - Entire Length - RAV 3 Martin Pelusey Road - Entire Length - RAV 4.3 Moore Road - Bunbury Outer Ring Road - 1.6km south - RAV 7.3 Mungalup Road - Pile Rd – LGA Boundary - RAV 3 Nicholson Road - Entire Length - RAV 4.3 O'Connor Road - Entire Length - RAV 3 Pattersons Road - Ferguson Rd – South Rd - RAV 3 Pedretti Road - Entire Length - RAV 4.3 Pile Road - Entire Length - RAV 3 Queenwood Road - Ferguson Rd – LGA Boundary - RAV 3 Ramsay Loop - Entire Length - RAV 4.3 South Road - Pattersons Rd – Mungalup Rd - RAV 3 Warrego Road - Entire Length - RAV 4.3 Waterloo Road - Entire Length - RAV 3.3 Wellington Mill Road - Ferguson Rd – King Tree Rd - RAV 3</p>
Delegates	CEO
Conditions	In accordance with Main Roads WA advice requirements.

Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure Manager Assets
Subdelegate conditions	In accordance with Main Roads WA advice requirements.
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	28 October 2020
Adoption references	Council Resolution 292-20

Delegation	1.2.25 Roadside Markers
Category	Engineering
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Nil
Function	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 Infr 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.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure
Subdelegate conditions	Shire of Dardanup Council Policy – Infr CP063 – Roadside Markers
Statutory framework	Nil
Policy	Shire of Dardanup Council Policy - Infr CP063 - Roadside Markers.
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.

Delegation	1.2.26 Traffic Management Plans
Category	Engineering
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Function	Authority to approve and implement traffic management plans for roadworks and events.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Asset Inspector Director Infrastructure Manager Assets Senior Project Officer
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.27 Approval of Subdivisional Engineering Drawings
Category	Engineering
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Planning and Development Act – Section 170 Regs cl.83 sched 2 part 10
Function	Authority to approve for construction engineering drawings and specifications.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure Director Sustainable Development Manager Assets Manager Development Services Manager Infrastructure Planning & Design
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.28 Panels of Pre-Qualified Suppliers for Goods and Services
Category	Financial Management
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government (Functions and General) Regulation 1996: 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
Function	<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)].
Delegates	CEO
Conditions	In accordance with s.5.43, panels of pre-qualified suppliers may only be established, where the total consideration under the resulting contract is \$150,000 or less and the expense is included in the adopted Annual Budget.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Subdelegates	Deputy CEO Procurement Officer
Subdelegate conditions	Nil
Statutory framework	Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures WALGA Subscription Service – Procurement Toolkit
Policy	Shire of Dardanup Council Policy CnG CP034 Procurement Policy
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.

Delegation	1.2.29 Application of Regional Price Preference Policy
Category	Financial Management
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government (Functions and General) Regulations 1996: r.24G Adopted regional price preference policy, effect of
Function	Authority to decide when not to apply the regional price preference policy to a particular future tender [F&G r.24G].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Deputy CEO Procurement Officer
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.30 Disposing of Property
Category	Financial Management
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.3.58(2) & (3) Disposing of Property
Function	<p>1. Authority to dispose of property to:</p> <ul style="list-style-type: none"> • to the highest bidder at public auction [s.3.58(2)(a)]. • to the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tenders [s.3.58(2)(b)] <p>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)].</p>
Delegates	CEO

<p>Conditions</p>	<p>1. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required.</p> <p>2. 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.</p> <p>3. When determining the method of disposal:</p> <ul style="list-style-type: none"> • Where a public auction is determined as the method of disposal: • Reserve price has been set by independent valuation. • Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price. • Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, 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 ○ Consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a decision are recorded. <p>4. 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>Express power to subdelegate</p>	<p>Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees</p>
<p>Subdelegates</p>	<p>Deputy CEO Director Infrastructure Director Sustainable Development</p>
<p>Subdelegate conditions</p>	<p>Nil</p>
<p>Statutory framework</p>	<p>Local Government Act 1995 – s.3.58 Disposal of Property Local Government (Functions and General) Regulations 1995 – r.30 Dispositions of property excluded from Act s. 3.58</p>
<p>Policy</p>	<p>Nil</p>

Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.31 Payments from the Municipal or Trust Funds
Category	Financial Management
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government (Financial Management) Regulations 1996: r.11 Payments, procedures for making etc. r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
Function	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)].
Delegates	CEO
Conditions	1. 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. 2. 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]
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Accountant Deputy CEO Director Infrastructure Manager Financial Services Manager Governance & HR
Subdelegate conditions	1. Authority to make payments from the municipal or trust funds [r.12(1)(a)]. 2. Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5. 3. Payments by Cheque and EFT must be approved jointly by two Delegates, one of whom must be the CEO, Deputy CEO or Manager Financial Services. 4. Delegates that approve the payment must not verify the liability. The verification of incurring the liability via the purchase order, invoice and evidence of goods / service received, must be undertaken independent of the payment approval.

Statutory framework	<p>Local Government Act 1995</p> <p>Local Government (Financial Management) Regulations 1996 - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.</p> <p>Local Government (Audit) Regulations 1996</p> <p>Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards</p> <p>Department of Local Government, Sport and Cultural Industries: Accounting Manual</p>
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.32 Defer, Grant Discounts, Waive or Write Off Debts
Category	Financial Management
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.6.12 Power to defer, grant discounts, waive or write off debts
Function	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 off Shire of Dardanup an amount of money which is owed to the Shire of Dardanup [s.6.12(1)(c)]
Delegates	CEO
Conditions	This Delegation does not apply to debts, which are prescribed as debts that are taken to be a rate or service charge.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Accountant Deputy CEO Manager Financial Services Senior Rates Officer
Subdelegate conditions	Deputy CEO - \$3,000 Manager Financial Services - \$100 Accountant - less than \$5.00 Senior Rates Officer - less than \$5.00
Statutory framework	Collection of Rates Debts – refer Delegations: Agreement as to Payment of Rates and Service Charges Recovery of Rates or Service Charges Recovery of Rates Debts – Require Lessee to Pay Rent Recovery of Rates Debts – Actions to Take Possession of the Land
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020

Adoption references

Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.33 Power to Invest and Manage Investments
Category	Financial Management
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.6.14 Power to invest Local Government (Financial Management) Regulations 1996: r.19 Investments, control procedures for
Function	1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)]. 2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].
Delegates	CEO
Conditions	1. All investment activity must comply with the Financial Management Regulation 19C and Council Policy CnG CP036. 2. 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. 3. 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. 4. 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]
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Accountant Deputy CEO Manager Financial Services
Subdelegate conditions	Condition in accordance with the investment policy, and in the absence of the Deputy CEO and Manager Financial Services the Accountant may have the delegated authority as per above.

Statutory framework	<p>Local Government (Financial Management) Regulations1996 – refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a))</p> <p>Local Government Act 1995 - s6.14 Local Government (Financial Management) Regulations1996 – r19, r28 and r49 The Trustees Amendment Act 1997 - Part III Investments Australian Accounting Standards</p>
Policy	Council Policy CnG CP036 – Investment Policy
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.

Delegation	1.2.34 Speak On Behalf of Local Government
Category	Administration/Business
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s. 2.8 (1) Role of mayor or president s. 5.41 (f) Functions of CEO
Function	Chief Executive Officer is authorised to speak on behalf of the local government if the president agrees (s 5.41 (f)).
Delegates	CEO
Conditions	The Chief Executive Officer may sub delegate on a case by case basis if the matter is considered urgent.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Communications Officer - Media Deputy CEO Director Infrastructure Director Sustainable Development Manager Place and Community Engagement
Subdelegate conditions	When authorised by email on a case by case basis.
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.35 Authorise Electronic Funds Transfers up to \$300,000
Category	Financial Management
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Function	Authority to authorise Electronic Funds Transfer (EFT) files for Payroll and Accounts Payable payments to the Tax Office, other Government Agencies' and Creditors where an Executed Agreement or legal obligation exists up to the value of \$300,000.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Deputy CEO Director Infrastructure Manager Financial Services
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.36 Disposal of Surplus Goods and Equipment (Minor Assets)
Category	Financial Management
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995 s3.58 Local Government (Functions & General) Regulations 1996 Part 4 11A r.30(3)
Function	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.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Deputy CEO Director Infrastructure Director Sustainable Development
Subdelegate conditions	Sub-Delegates value is capped at \$10,000.
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.37 Rate Record Amendment
Category	Financial Management
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.6.39(2)(b) Rate record s.6.40 Effect of amendment of rate record
Function	Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)].
Delegates	CEO
Conditions	Delegates must comply with the requirements of s.6.40 of the Act.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Accountant Deputy CEO Manager Financial Services Senior Rates Officer
Subdelegate conditions	Nil
Statutory framework	Local Government Act 1995 – s.6.40 prescribes consequential actions that may be required following a decision to amend the rate record. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.38 Agreement as to Payment of Rates and Service Charges
Category	Financial Management
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.6.49 Agreement as to payment of rates and service charges
Function	Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
Delegates	CEO
Conditions	Agreements must be in writing and must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Accountant Deputy CEO Manager Financial Services Senior Rates Officer
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.39 Determine Due Date for Rates or Service Charges
Category	Financial Management
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.6.50 Rates or service charges due and payable
Function	Authority to determine the date on which rates or service charges become due and payable to the Shire of Dardanup [s.6.50].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Deputy CEO
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.40 Recovery of Rates or Service Charges
Category	Financial Management
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.6.56 Rates or service charges recoverable in court
Function	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)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Accountant Deputy CEO Manager Financial Services Senior Rates Officer
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.41 Recovery of Rates Debts – Require Lessee to Pay Rent
Category	Financial Management
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.6.60 Local Government may require lessee to pay rent
Function	1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the Shire of 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)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Deputy CEO Manager Sport & Recreation Personal Assistant
Subdelegate conditions	Nil
Statutory framework	Local Government Act 1995 – refer sections 6.61 and 6.62 prescribe procedures relevant to exercise of authority under s.6.60.
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.42 Recovery of Rates Debts - Actions to Take Possession of the Land
Category	Financial Management
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: 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
Function	<p>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:</p> <ul style="list-style-type: none"> • lease the land, or • sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: <ul 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]. <p>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)].</p> <p>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)].</p>
Delegates	CEO
Conditions	In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale without having, within the previous 3-years attempted to recover the outstanding rates / charges through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Deputy CEO
Subdelegate conditions	Nil

Statutory framework	<p>Local Government Act 1995 – Part 6, Division 6 Subdivision 6 prescribe procedures relevant to exercise of authority under this delegation.</p> <p>Local Government (Financial Management) Regulations 1996 – regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation.</p>
Policy	Administrative Policy – AP040 – Debt Recovery
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.43 Rate Record – Objections
Category	Financial Management
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.6.76 Grounds of objection
Function	1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)]. 2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)].
Delegates	CEO
Conditions	A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination under this Delegation.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Accountant Deputy CEO Manager Financial Services Senior Rates Officer
Subdelegate conditions	Nil
Statutory framework	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

1.3 CEO to Employees

Delegation	1.3.1 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare
Category	Engineering
Head of power	01. Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: r.6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)
Function	When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.2.10: 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)].
Delegates	Director Infrastructure
Conditions	1. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.10 Obstruction of Footpaths and Thoroughfares. 2. Actions under this Delegation must comply with the procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.
Express power to subdelegate	Nil
Subdelegate conditions	Nil
Statutory framework	This delegated authority is effective only in alignment with Delegated Authority 1.2.10 Obstructions of Footpaths and Thoroughfares. Local Government (Uniform Local Provisions) Regulations 1996 Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995

Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.3.2 Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares
Category	Engineering
Head of power	01. Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: r.11(6)(c) and (7)(c) Dangerous excavation in or near public thoroughfare – Sch. 9.1 cl.6
Function	When determining to grant permission to for a dangerous excavation under Delegated Authority 1.2.12: 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.
Delegates	Director Infrastructure
Conditions	1. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.12 Public Thoroughfares – Dangerous Excavations. 2. Actions under this Delegation must comply with the procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.
Express power to subdelegate	Nil
Subdelegate conditions	Nil
Statutory framework	This delegated authority is effective only in alignment with Delegated Authority 1.2.12 Public Thoroughfares – Dangerous Excavations. Local Government (Uniform Local Provisions) Regulations 1996 Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995
Policy	Nil

Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
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