



SHIRE OF DUMBLEYUNG

DELEGATIONS REGISTER

Version 13
Adopted: 15 August 2024
Motion: 2024/423

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HISTORY SUMMARY

ITEM	DATE	ACTION	DESCRIPTION
1.1.1	18 April 2024	Amended	Council Resolution 2024/369 1.1.1 – Meeting with Council’s Auditor - Amended to reflect change of name from Finance & Audit Committee to Audit & Risk Committee.
1.1.2	18 April 2024	Deleted	Council Resolution 2024/369 1.1.2 – Selection of Robert & Daphne McIntyre Citizenship Award Recipient - Deleted delegation as this is no longer a Council Committee as it is an external Selection Panel.
2.1.6	18 April 2024	Amended	Council Resolution 2024/369 2.1.6 – Expressions of Interest & Tenders - Amend to remove monetary value in dot point 2 under conditions and exceptions to align with the amended Council Policy.
2.1.11	18 April 2024	Amended	Council Resolution 2024/369 2.1.11 - Donations and Sponsorships - Amend to change the monetary value in conditions and exceptions to allow the CEO to determine donations and sponsorships up to a maximum of \$500.
2.10.1	18 April 2024	New	Council Resolution 2024/369 2.10.1 – Liquor Licencing Administration – Section 39 & 40 Certificates - Created new delegation to allow the CEO to sub-delegate to the Director of Corporate Services the power to issue consent requirement to applicants seeking approval for the consumption of alcohol on Council owned or vested land.
2.10.2	18 April 2024	New	Council Resolution 2024/369 2.10.2 – Liquor Licencing Administration – Section 39 & 40 Certificates - Created new delegation to allow the CEO to issue s39 and s40 Certificates in accordance with the <i>Liquor Control Act 1988</i> .
2.3.4	15 August 2024	New	Council Resolution 2024/423 2.3.4 – Appoint Authorised Officers and Designated Officers - Create new delegation enabling authority to appoint authorised officers.
2.4.1	15 August 2024	Amend	Council Resolution 2024/423 2.4.1 – Grant of a Building Permit - Amend to make changes to the extent of the functions to be performed and the legislative powers to delegate.

2.4.2	15 August 2024	Amend	Council Resolution 2024/423 2.4.2 – Grant of a Demolition Permit - Amend to make changes to the extent of the functions to be performed and the legislative power to delegate.
2.4.3	15 August 2024	Amend	Council Resolution 2024/423 2.4.3 – Grant Occupancy Permit or Building Approval Certificate - Amend to include Building Regulations and include reporting requirements.
2.4.4	15 August 2024	Amend	Council Resolution 2024/423 2.4.4 – Building Orders - Amend to make changes to the extent of the functions to be performed, the legislative power to delegate and reporting requirements.
2.4.5	15 August 2024	Amend	Council Resolution 2024/423 2.4.5 – Inspection, Copy of a Building Record - Amend to include Environmental Health Officer.
2.4.6	15 August 2024	New	Council Resolution 2024/423 2.4.6 – Designate Employees as Authorised Persons - Create new delegation enabling the authority to appoint authorised persons.
2.4.7	15 August 2024	New	Council Resolution 2024/423 2.4.7 – Referrals and Issuing Certificates - Create new delegation for issuing of certificates and referrals by those who are not employees of the Shire of Dumbleyung.
2.4.8	15 August 2024	New	Council Resolution 2024/423 2.4.8 – Create new delegation to allow EHO or Building Surveyor to perform functions required.
2.6.2	15 August 2024	Amend	Council Resolution 2024/423 2.6.2 – Appointment of Authorised Persons - Amend to make changes to extent of functions to be performed and reporting requirements.

INTRODUCTION

The Delegations of Authority in this manual are made to the Chief Executive Officer pursuant to section 5.42 of the *Local Government Act 1995* (the Act) and to Committees pursuant to section 5.16. Where listed some of these functions are delegated by the Chief Executive Officer to Shire of Dumbleyung employees pursuant to section 5.44 of the Act. All delegations by Council must be an absolute majority decision.

The Act provides that the following are decisions that cannot be delegated to the Chief Executive Officer (s. 5.43):

- Any power of duty that requires a decision of an absolute majority or 75% majority of the local government.
- Accepting a tender which exceeds an amount determined by the local government.
- Appointing an auditor.
- Acquiring or disposing of any property valued at an amount exceeding the amount determined by the local government.
- Any of the local government's powers under sections 5.98, 5.98A, 5.99, 5.99A and 5.100 of the Act.
- Borrowing money on behalf of the local government.
- Hearing or determining an objection of a kind referred to in section 9.5.
- The power under section 9.49A(4) to authorise a person to sign the documents on behalf of the local government.
- Any power or duty that requires the approval of the Minister or the Governor.
- Such duties or powers as may be described.

Furthermore the following regulations prescribe powers and duties which cannot be delegated to the Chief Executive Officer:

- Regulation 18G of the *Local Government Act (Administration) Regulations 1996* prohibits the delegation to a CEO of the powers and duties under:
 - (i) Sections 7.12A(2), 7.12A(3)(a) and 7.12A(4) of the *Local Government Act 1995* (relating to meetings with auditors) and;
 - (ii) Regulations 18C and 18D (relating to the selection and appointment of CEO's and reviews of their performance).
- Regulation 6 of the *Local Government (Financial Management) Regulations 1996* prohibits the delegation of the duty to conduct an internal audit to an employee (including a CEO) who has been delegated the duty of maintaining the local government's day to day accounts or financial management operations.

The Act allows for the Chief Executive Officer to delegate any of their powers to another employee, this must be done in writing. These powers cannot, however, be further sub-delegated (s. 5.44). The Act also allows the delegator to place conditions on any delegations if required.

A register of delegations, being this manual, is to be kept and reviewed at least once every financial year.

If a person is exercising a power or duty that they have been delegated, the Act requires them to keep records relating to the exercise of the power or discharge of the duty as per Regulation 19 of the *Local Government (Administration) Regulations 1996*. The written record is to contain:

- How and when the person exercised the power or discharged the duty; and
- The persons or classes of person, other than the Council or Committee Members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

Each instrument of delegation in this register describes the function being delegated and the relevant legislative reference which is the source of power for the exercise of the function.

PART 1

DELEGATIONS TO COMMITTEES

1.1.1 MEETING WITH COUNCIL'S AUDITOR

Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i>	That Council delegate authority to the Audit & Risk Committee to meet with the Auditor of the Shire of Dumbleyung at least once every year to satisfy the requirement of s. 7.12A(2) of the <i>Local Government Act 1995</i> .
Legislative power or duty delegated	<i>Local Government Act 1995</i> Section 7.12(A)(2) Duties of local governments with respect to audits.
Legislative power to delegate	<i>Local Government Act 1995</i> Section 5.16 Delegations of some powers and duties to certain committees. Section 7.1(B) Delegations of some powers and duties to audit committees.
Delegation to	Audit & Risk Committee
Conditions and exceptions	This power cannot be sub-delegated.
Sub-delegated to	N/A
Delegation delegated	N/A
Reporting requirements	Records of decisions are to be retained in the Minutes of the Finance and Audit Committee.

PART 2

DELEGATIONS TO THE
CHIEF EXECUTIVE OFFICER

Section 1

Functions of Local Government

2.1.1 DECLARING A VEHICLE TO BE AN ABANDONED VEHICLE WRECK

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<p>If after seven days from the removal of a vehicle deemed to be an abandoned vehicle wreck the owner of the vehicle has not been identified or after seven days from the giving of notice the owner has not collected the vehicle the local government may declare that the vehicle is an abandoned vehicle wreck.</p>
<p>Legislative power or duty delegated</p>	<p><i>Local Government Act 1995</i> Section 3.40A(4)</p>
<p>Legislative power to delegate</p>	<p><i>Local Government Act 1995</i> Section 5.42 and Section 5.44</p>
<p>Delegation to</p>	<p>Chief Executive Officer</p>
<p>Conditions and exceptions</p>	<p>Nil</p>
<p>Sub-delegated to</p>	<p>Director of Infrastructure</p>
<p>Delegation delegated</p>	<p>The Chief Executive Officer delegates to the Director of Infrastructure the above power. The exercise of the delegated power does not include the power of delegation.</p>
<p>Reporting requirements</p>	<p>The declaration is to be recorded in the register of delegations performed.</p>

2.1.2 DISPOSING OF CONFISCATED OR UNCOLLECTED GOODS

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<ol style="list-style-type: none"> 1. Sell or otherwise dispose of confiscated or uncollected goods in accordance with Section 3.58 of the <i>Local Government Act 1995</i> [S.3.47]. 2. Authority to recover expenses incurred for removing and impounding and in disposing of confiscated or uncollected goods [S.3.48].
<p>Legislative power or duty delegated</p>	<p><i>Local Government Act 1995</i> Section 3.47 Confiscated or uncollected goods, disposal of Section 3.48 Impounding Expenses, recovery of</p>
<p>Legislative power to delegate</p>	<p><i>Local Government Act 1995</i> Section 5.42 and Section 5.44</p>
<p>Delegation to</p>	<p>Chief Executive Officer</p>
<p>Conditions and exceptions</p>	<p>Nil</p>
<p>Sub-delegated to</p>	<p>Nil</p>
<p>Delegation delegated</p>	<p>N/A</p>
<p>Reporting requirements</p>	<p>The declaration is to be recorded in the register of delegations performed.</p>

2.1.3 DISPOSAL OF SICK OR INJURED ANIMALS

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<p>Authority to destroy and dispose of an animal that is determined to be too sick or injured to treat [S.3.47A(1)].</p>
<p>Legislative power or duty delegated</p>	<p><i>Local Government Act 1995</i> Section 3.47A(1) Sick or injured animals, disposal of</p>
<p>Legislative power to delegate</p>	<p><i>Local Government Act 1995</i> Section 5.42 and Section 5.44</p>
<p>Delegation to</p>	<p>Chief Executive Officer</p>
<p>Conditions and exceptions</p>	<p>Nil</p>
<p>Sub-delegated to</p>	<p>Director of Infrastructure</p>
<p>Delegation delegated</p>	<p>The Chief Executive Officer delegates to the Director of Infrastructure the above power. The exercise of the delegated power does not include the power of delegation.</p>
<p>Reporting requirements</p>	<p>The declaration is to be recorded in the register of delegations performed.</p>

2.1.4 CLOSE THOROUGHFARES TO VEHICLES

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<ol style="list-style-type: none"> 1. Close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicle [S.3.50(1), (1a) and (2)]. 2. Give public notice, and provide to the Commissioner of Main Roads and consider submissions relevant to road closures for proposed closures of thoroughfares for a period exceeding 4 weeks [S.3.50(4)]. 3. Where level or alignment of a thoroughfare is fixed or altered or where draining water from a thoroughfare to private land, notify affected owners and consider any submissions made [S.3.51].
<p>Legislative power or duty delegated</p>	<p><i>Local Government Act 1995</i> Section 3.50 Closing certain thoroughfares to vehicles Section 3.50A Partial closure of thoroughfare for repairs or maintenance Section 3.51 Affected owners to be notified of certain proposals</p>
<p>Legislative power to delegate</p>	<p><i>Local Government Act 1995</i> Section 5.42 and Section 5.44</p>
<p>Delegation to</p>	<p>Chief Executive Officer</p>
<p>Conditions and exceptions</p>	<p>Nil</p>
<p>Sub-delegated to</p>	<p>Director of Infrastructure</p>
<p>Delegation delegated</p>	<p>The Chief Executive Officer delegates to the Director of Infrastructure the above power. The exercise of the delegated power does not include the power of delegation.</p>
<p>Reporting requirements</p>	<p>Councillors are to be notified in advance of the road closure. The declaration is to be recorded in the register of delegations performed.</p>

2.1.5 RESERVES UNDER CONTROL OF LOCAL GOVERNMENT

Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i>	Authority to do anything for the purposes of controlling and management of land that is vested in or under management of the shire [S.3.54(1)].
Legislative power or duty delegated	<i>Local Government Act 1995</i> Section 3.54 Reserves under control of a local government
Legislative power to delegate	<i>Local Government Act 1995</i> Section 5.42 and Section 5.44
Delegation to	Chief Executive Officer
Conditions and exceptions	Nil
Sub-delegated to	Nil
Delegation delegated	N/A
Reporting requirements	The declaration is to be recorded in the register of delegations performed.

2.1.6 EXPRESSIONS OF INTEREST AND TENDERS

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<p>Council delegates to the Chief Executive Officer the authority to determine:</p> <ol style="list-style-type: none"> 1. To call tenders. 2. To call tenders for the disposal of impounded goods. 3. To invite tenders though not required to do so. 4. The criteria for accepted tenders. 5. To vary tender information after public notice of invitation to tender and before the close of tenders. 6. Seek clarification from tenderers in relation to information contained in their tender submission. 7. To evaluate tenders and decide which is the most advantageous. 8. To accept or reject tenders. 9. To decline any tender. 10. Minor variations before entering into a contract. 11. 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. 12. When to seek expressions of interest and to invite expressions of interest to supply goods or services. 13. 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.
<p>Legislative power or duty delegated</p>	<p><i>Local Government Act 1995</i> Section 3.57 Tenders for providing goods or services Section 3.47 Confiscated or uncollected goods, disposal of Section 5.42 Delegations of some powers and duties to CEO Section 5.43 Limits on delegations to CEO</p> <p><i>Local Government (Functions and General) Regulations 1996</i> Regulation 11, 13, 14(2a), (5), 18(2), (4), (4a), (5), (6), (7), 20, 21 and 23</p>
<p>Legislative power to delegate</p>	<p><i>Local Government Act 1995</i> Section 5.42 and Section 5.44</p>
<p>Delegation to</p>	<p>Chief Executive Officer</p>

Conditions and exceptions	<ol style="list-style-type: none"> 1. May only call tenders where there is an adopted budget for the proposed procurement, with the exception being in the period immediately prior to the adoption of a new annual budget where the proposed procurement is required to fulfil a routine contract related to the day to day operations of the Shire, with an imminent expiry date and the value of the proposed contract has been included in the draft annual budget papers. 2. May accept a tender where the item is identified in the adopted annual budget. 3. May only agree to variations before a contract is entered into in accordance with relevant Shire of Dumbleyung policies. 4. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.
Sub-delegated to	Nil
Delegation delegated	N/A
Reporting requirements	The declaration is to be recorded in the register of delegations performed.

2.1.7 DISPOSING OF PROPERTY

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<p>Authority to dispose of property to:</p> <ul style="list-style-type: none"> a) The highest bidder at public auction [S.3.58(2)(a)]; or b) The person who at a public tender called by a local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender [S.3.58(2)(b)].
<p>Legislative power or duty delegated</p>	<p><i>Local Government Act 1995</i> Section 3.58(2) Disposing of property</p>
<p>Legislative power to delegate</p>	<p><i>Local Government Act 1995</i> Section 5.42 and Section 5.44</p>
<p>Delegation to</p>	<p>Chief Executive Officer</p>
<p>Conditions and exceptions</p>	<p>Powers arising from Section 3.58(2)(a) may only be exercised where:</p> <ul style="list-style-type: none"> a) The Council has resolved that it wishes to dispose of the property; and b) The Council has determined a reserve price for the disposition; and c) The disposition is to the highest bidder at a public auction or public tender; and d) The disposition is for a sum that exceeds the reserve price established by the Council when offered at a public auction or public tender. <p>Powers arising from Section 3.58(2)(b) may only be exercised where:</p> <ul style="list-style-type: none"> a) The Council has resolved its intention to dispose of a property in accordance with Section 3.58(3) of the Act; and b) The proposed disposition has been advertised in accordance with Sections 3.58(3)(a) and 3.58(4) of the Act; and c) At the closing date for submissions in relation to the disposition, no objections to the disposition have been received.
<p>Sub-delegated to</p>	<p>Nil</p>
<p>Delegation delegated</p>	<p>N/A</p>
<p>Reporting requirements</p>	<p>To be recorded in the register of delegations performed.</p>

2.1.8 SENIOR EMPLOYEES

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<p>Authority to advertise the position of a senior employee if the position becomes vacant [S 5.37(3)].</p>
<p>Legislative power or duty delegated</p>	<p><i>Local Government Act 1995</i> Section 5.37(3) Senior Employees</p>
<p>Legislative power to delegate</p>	<p><i>Local Government Act 1995</i> Section 5.42 and Section 5.44</p>
<p>Delegation to</p>	<p>Chief Executive Officer</p>
<p>Conditions and exceptions</p>	<p>Cannot be sub-delegated.</p>
<p>Sub-delegated to</p>	<p>N/A</p>
<p>Delegation delegated</p>	<p>N/A</p>
<p>Reporting requirements</p>	<p>Advertisement is to be kept on the Shire's Media File.</p>

2.1.9 PAYMENTS FROM MUNICIPAL OR TRUST FUND

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<p>Authority to make payments from the municipal or trust fund [FM Reg. 12(1)(a)].</p>
<p>Legislative power or duty delegated</p>	<p><i>Local Government (Financial Management) Regulations 1996</i> Regulations 12(1)(a) Payments from municipal fund or trust fund, restrictions on making</p>
<p>Legislative power to delegate</p>	<p><i>Local Government Act 1995</i> Section 5.42 – Delegation of some powers and duties to other employees Section 5.43 – Limitations on delegations to the CEO</p>
<p>Delegation to</p>	<p>Chief Executive Officer</p>
<p>Conditions and exceptions</p>	<p>Two signatures are required to authorise payments from the municipal fund and trust fund. Any officer that enters the workings for payment must not be one of the signatories to authorise that payment.</p>
<p>Sub-delegated to</p>	<p>Director of Infrastructure Director of Corporate Services Governance and Compliance Officer Payroll/Rates Officer</p>
<p>Delegation delegated</p>	<p>The Chief Executive Officer delegates the above power. The exercise of the delegated power does not include the power of delegation.</p>
<p>Reporting requirements</p>	<p>Approved payments must be reported to Council on a monthly basis.</p>

2.1.10 POWER TO DEFER, GRANT DISCOUNTS, WAIVE OR WRITE OFF DEBTS

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<ol style="list-style-type: none"> 1. Waive or grant a concession in relation to any amount of money which is owed to the shire. 2. Write off any amount of money which is owed to the shire. <p><i>Note that Section 6.12 (2) of the Local Government Act 1995 does not allow money owed to the shire in respect of rates and service charges to be waived or for a concession in relation to such money be granted.</i></p>
<p>Legislative power or duty delegated</p>	<p><i>Local Government Act 1995</i> Section 6.12 Power to defer, grant discounts, waive or write off debts</p>
<p>Legislative power to delegate</p>	<p><i>Local Government Act 1995</i> Section 5.42 and Section 5.44</p>
<p>Delegation to</p>	<p>Chief Executive Officer</p>
<p>Conditions and exceptions</p>	<p>All necessary measures have been taken to recover the debt. A debt can only be written off up to a maximum \$100 for any one instance.</p>
<p>Sub-delegated to</p>	<p>Nil</p>
<p>Delegation delegated</p>	<p>N/A</p>
<p>Reporting requirements</p>	<p>To be recorded in the register of delegations performed.</p>

2.1.11 DONATIONS AND SPONSORSHIP

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<p>Authority to determine donations and sponsorship for the shire.</p>
<p>Legislative power or duty delegated</p>	<p><i>Local Government (Financial Management) Regulations 1996</i> Regulation 12(1)(a) Payments from municipal or trust fund, restrictions of making</p>
<p>Legislative power to delegate</p>	<p><i>Local Government Act 1995</i> Section 5.42 and Section 5.44</p>
<p>Delegation to</p>	<p>Chief Executive Officer</p>
<p>Conditions and exceptions</p>	<p>Decisions must be in accordance with relevant Council Policies and be within Annual Budget Allocations. Donations and sponsorships up to a maximum of \$500 can be granted.</p>
<p>Sub-delegated to</p>	<p>Nil</p>
<p>Delegation delegated</p>	<p>N/A</p>
<p>Reporting requirements</p>	<p>To be recorded in the Shire's creditors software.</p>

2.1.12 AGREEMENTS AS TO PAYMENT OF RATES AND SERVICE CHARGES

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<p>Authority to make an agreement with a person for the payment of rates or service charges [S. 6.49].</p>
<p>Legislative power or duty delegated</p>	<p><i>Local Government Act 1995</i> Section 6.49 Agreement as to payment of rates and service charges</p>
<p>Legislative power to delegate</p>	<p><i>Local Government Act 1995</i> Section 5.42 and Section 5.44</p>
<p>Delegation to</p>	<p>Chief Executive Officer</p>
<p>Conditions and exceptions</p>	<p>Nil</p>
<p>Sub-delegated to</p>	<p>Payroll/Rates Officer</p>
<p>Delegation delegated</p>	<p>The Chief Executive Officer delegates to the Payroll/Rates Officer the above power. The exercise of the delegated power does not include the power or delegation.</p>
<p>Reporting requirements</p>	<p>To be recorded in the shire's rates software.</p>

2.1.13 LOCAL GOVERNMENT MAY REQUIRE LESSEE TO PAY RENT

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<ol style="list-style-type: none"> 1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge requiring the lessee to pay its rent to the local government. 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 the notice.
<p>Legislative power or duty delegated</p>	<p><i>Local Government Act 1995</i> Section 6.60(2) Local Government may require lessee to pay rent Section 6.60(4) Local government may require lessee to pay rent</p>
<p>Legislative power to delegate</p>	<p><i>Local Government Act 1995</i> Section 5.42 and Section 5.44</p>
<p>Delegation to</p>	<p>Chief Executive Officer</p>
<p>Conditions and exceptions</p>	<p>Nil</p>
<p>Sub-delegated to</p>	<p>Nil</p>
<p>Delegation delegated</p>	<p>N/A</p>
<p>Reporting requirements</p>	<p>To be recorded in the shire's rates software.</p>

2.1.14 APPOINTMENT OF AUTHORISED OFFICERS/PERSONS

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<p>1. Authority to appoint persons or classes of persons as authorised persons for the purposes of fulfilling prescribed functions within the <i>Local Government Act 1995</i> and its subsidiary legislation, including Local Government Act Regulations, <i>Local Government (Miscellaneous Provisions) Act 1960</i> and the Shire of Dumbleyung Local Laws made under the Local Government Act. [s.3.24 and s.9.10] and any other Act under which a local law can be made.</p> <p>2. Authority to appoint authorised person for the purpose of the <i>Graffiti Vandalism Act 2016</i>, which prescribes Part 9 of the <i>Local Government Act 1995</i> as the enabling power [s.15 of the <i>Graffiti Vandalism Act 2016</i>].</p>
<p>Legislative power or duty delegated</p>	<p>Local Government Act 1995 Section 3.24 Authorising person under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land] Section 9.10 Appointment of authorised officers</p>
<p>Legislative power to delegate</p>	<p><i>Local Government Act 1995</i> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO</p>
<p>Delegation to</p>	<p>Chief Executive Officer</p>
<p>Conditions and exceptions</p>	<p>The local government is to issue each person so authorised a certificate stating the person is so authorised, and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person (s9.10(2) <i>Local Government Act 1995</i>)</p>
<p>Sub-delegated to</p>	<p>Section 5.44 CEO may delegate some powers and duties to other employees</p>
<p>Delegation delegated</p>	<p>The Chief Executive Officer delegates the above power. The exercise of the delegated power does not include the power of delegation</p>
<p>Reporting requirements</p>	<p>A register of authorised persons is to be maintained as a local government record.</p> <p>Each instance of this delegation being exercised is to be recorded in the Delegations Register in accordance with r.19 of the Local Government (Administration) Regulations 1996.</p>

2.1.15 RESTRICTED ACCESS VEHICLES

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<p>That Council delegate authority to the Chief Executive Officer to assess and approve/disapprove applications to use Restricted Access Vehicles (RAV) on Shire of Dumbleyung roads as per Council Policy 12.10 Restricted Access Vehicles</p>
<p>Legislative power or duty delegated</p>	<p>Council Policy 12.10 Restricted Access Vehicles</p>
<p>Legislative power to delegate</p>	<p><i>Local Government Act 1995</i> Section 5.16 Delegations of some powers and duties to certain committees. The CEO is delegated power to determine any application referred from Main Roads WA or operator to use heavy haulage vehicles (Restricted Access Vehicles) on any local road within the Shire, recommending approval or refusal– a) in accordance with Council Policy 1.64 Restricted Access Vehicles; b) if the road has already been assessed by Main Roads WA as being suitable for the configuration proposed by the applicant, c) recommending conditions on roads where deemed necessary to manage RAV access in order to preserve the condition of the road and avoid damage or undue wear and tear or deterioration to the road asset.</p>
<p>Delegation to</p>	<p>Chief Executive Officer</p>
<p>Conditions and exceptions</p>	<ol style="list-style-type: none"> 1. All other RAV applications to be referred to Council. 2. All Accredited Mass Management Scheme (AMMS) Level 2 & 3 and Performance Based Standard (PBS) applications to be referred to Council. 3. Where the CEO declines an application, the applicant has the right to lodge a written appeal which will be presented to Council for consideration.
<p>Sub-delegated to</p>	<p>Director of Infrastructure</p>
<p>Delegation delegated</p>	<p>The Director of Infrastructure is delegated power to determine any application referred from Main Roads WA or operator to use heavy haulage vehicles (Restricted Access Vehicles) on any local road within</p>

	<p>the Shire, recommending approval or refusal–</p> <p>d) in accordance with Council Policy 1.64 Restricted Access Vehicles;</p> <p>e) if the road has already been assessed by Main Roads WA as being suitable for the configuration proposed by the applicant,</p> <p>f) recommending conditions on roads where deemed necessary to manage RAV access in order to preserve the condition of the road and avoid damage or undue wear and tear or deterioration to the road asset.</p>
Reporting requirements	As per Council Policy 12.10 Restricted Access Vehicles

2.1.16 SOLE SUPPLIER OF GOODS AND SERVICES

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<p>Council delegates to the Chief Executive Officer the authority to determine that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier in accordance with legislation.</p>
<p>Legislative power or duty delegated</p>	<p><i>Local Government Act 1995</i> Section 5.42 Delegations of some powers and duties to CEO Section 5.43 Limits on delegations to CEO</p> <p><i>Local Government (Functions and General) Regulations 1996</i> Regulation 11(2)(f)</p>
<p>Legislative power to delegate</p>	<p><i>Local Government Act 1995</i> Section 5.44</p>
<p>Delegation to</p>	<p>Chief Executive Officer</p>
<p>Conditions and exceptions</p>	<p>The Chief Executive Officer being satisfied that:</p> <ol style="list-style-type: none"> 1. The final amount spent does not exceed \$50 000. 2. Adequate market research has been undertaken to verify that no alternative supplier of the goods or services is available; and 3. Sufficient investigation into the use of potential substitute goods or services has been undertaken. 4. Determinations to be reported to the Council at least annually. 5. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.
<p>Sub-delegated to</p>	<p>Nil</p>
<p>Delegation delegated</p>	<p>N/A</p>
<p>Reporting requirements</p>	<p>The declaration is to be recorded in the register of delegations performed.</p>

Section 2

Bush Fires Act 1954

2.2.1 POWERS, DUTIES AND FUNCTIONS OF A LOCAL GOVERNMENT

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<p>All powers, duties and functions of the local government under the <i>Bush Fires Act 1954</i>.</p>
<p>Legislative power or duty delegated</p>	<p><i>Bush Fires Act 1954</i></p>
<p>Legislative power to delegate</p>	<p><i>Bush Fires Act 1954</i> Section 48 Delegation by local governments</p>
<p>Delegation to</p>	<p>Chief Executive Officer</p>
<p>Conditions and exceptions</p>	<p>Authority excludes powers that:</p> <ol style="list-style-type: none"> 1. Are prescribed in the Act with a requirement for a resolution of the local government; or 2. Are prescribed by the Act for performance by designated officers.
<p>Sub-delegated to</p>	<p>N/A</p>
<p>Delegation delegated</p>	<p>N/A</p>
<p>Reporting requirements</p>	<p>Nil</p>

Section 3

Food Act 2008

2.3.1 PROHIBITION ORDERS

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<p>Determine to:</p> <ol style="list-style-type: none"> 1. Serve a Prohibition Order on the proprietor of a food business in accordance with Section 65 of the Food Act 2008 [S. 65]. 2. Give a Certificate of Clearance, where inspection demonstrates compliance with a Prohibition Order and any Improvement Notices [S. 66]. 3. Give written notice to a proprietor of a food business on whom a Prohibition Order has been served of the decision not to give a Certificate of Clearance after an inspection [S. 67(4)].
<p>Legislative power or duty delegated</p>	<p><i>Food Act 2008</i> Section 65(1) Prohibition Order Section 66 Certificate of Clearance Section 67(4) Request for Re-Inspection</p>
<p>Legislative power to delegate</p>	<p><i>Food Act 2008</i> Section 118(2)(b) Local Government (enforcement agency) may delegate a function conferred on it Section 118(3) Delegation subject to conditions [S. 119] and guidelines adopted [S. 120] Section 118(4) Sub-delegation only permissible if expressly provided in regulations</p>
<p>Delegation to</p>	<p>Chief Executive Officer Environmental Health Officer</p>
<p>Conditions and exceptions</p>	<p>The <i>Food Regulations 2009</i> do not provide for sub-delegation.</p>
<p>Sub-delegated to</p>	<p>Nil</p>
<p>Delegation delegated</p>	<p>N/A</p>
<p>Reporting requirements</p>	<p>Nil</p>

2.3.2 REGISTRATION OF FOOD BUSINESS

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<p>Determine to:</p> <ol style="list-style-type: none"> 1. Applications for registration of a food business in respect of any premises for the purpose of Part 9 of the Food Act 2008 and issue a certificate of registration [S. 110(1)]. 2. After considering an application, to grant (with or without conditions) or refuse the application [S. 110(5)]. 3. To vary the conditions or cancel the registration of a food business in respect of any premises under Part 9 of the Food Act 2008 [S. 112(1)].
<p>Legislative power or duty delegated</p>	<p><i>Food Act 2008</i> Section 110(1) and(5) Registration of a food business Section 112 Variation of conditions or cancellation of registration of food businesses</p>
<p>Legislative power to delegate</p>	<p><i>Food Act 2008</i> Section 118(2)(b) Local government (enforcement agency) may delegate a function conferred on it Section 118(3) Delegation subject to conditions [S. 119] and guidelines adopted [S. 120] Section 118(4) Sub-delegation only permissible if expressly provided in regulations</p>
<p>Delegation to</p>	<p>Chief Executive Officer Environmental Health Officer</p>
<p>Conditions and exceptions</p>	<p>The <i>Food Regulations 2009</i> do not provide for sub-delegation.</p>
<p>Sub-delegated to</p>	<p>Nil</p>
<p>Delegation delegated</p>	<p>N/A</p>
<p>Reporting requirements</p>	<p>Nil</p>

2.3.4 APPOINT AUTHORISED OFFICERS AND DESIGNATED OFFICERS

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<ol style="list-style-type: none"> 1. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(2)]. 2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the Public Health Act 2016, to be a Designated Officer for the purposes of issuing Infringement Notices under the Food Act 2008 [s.126(13)]. 3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].
<p>Legislative power or duty delegated</p>	<p><i>Food Act 2008:</i> <i>s.118 Functions of enforcement agencies and delegation</i> <i>(2)(b) Enforcement agency may delegate a function conferred on it</i> <i>(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]</i> <i>(4) Sub-delegation permissible only if expressly provided in regulations</i></p>
<p>Legislative power to delegate</p>	<p><i>Food Act 2008:</i> <i>s.122(1) Appointment of authorised officers</i> <i>s.126(6), (7) and (13) Infringement Officers</i></p>
<p>Delegation to</p>	<p>Chief Executive Officer Environmental Health Officer</p>
<p>Conditions and exceptions</p>	<p>The <i>Food Regulations 2009</i> do not provide for sub-delegation.</p>
<p>Sub-delegated to</p>	<p>Nil</p>
<p>Delegation delegated</p>	<p>N/A</p>
<p>Reporting requirements</p>	<p>Instruments or Certificates of Authorisation – Copies are to be retained in the record keeping system and Authorised Person’s personnel file. A record of each Authorisation is to be retained in the Authorised Persons Register and retained in the record keeping system.</p>

Section 4

Building Act 2011

2.4.1 GRANT OF A BUILDING PERMIT

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)]. 2. Authority to grant or refuse to grant a building permit [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and(3)]. 4. Authority to determine an application to extend time during which a building permit has effect [r.23]. <ol style="list-style-type: none"> i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].
<p>Legislative power or duty delegated</p>	<p><i>Building Act 2011:</i> s.18 Further Information s.20 Grant of building permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit <i>Building Regulations 2012:</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))</p>
<p>Legislative power to delegate</p>	<p><i>Building Act 2011</i> s.127(1) and (3) Delegation: special permit authorities and local government</p>
<p>Delegation to</p>	<p>Chief Executive Officer Building Surveyor Environmental Health Officer</p>
<p>Conditions and exceptions</p>	<p>Nil</p>
<p>Sub-delegated to</p>	<p>Nil</p>
<p>Delegation delegated</p>	<p>N/A</p>
<p>Reporting requirements</p>	<p>Records maintained in the Building Filing System.</p>

2.4.2 GRANT OF DEMOLITION PERMIT

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)]. 2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and (3)]. 4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]. <ol style="list-style-type: none"> i. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27[r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].
<p>Legislative power or duty delegated</p>	<p><i>Building Act 2011:</i> s.18 Further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit <i>Building Regulations 2012</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))</p>
<p>Legislative power to delegate</p>	<p><i>Building Act 2011</i> Section 127 Delegation: special permit authorities and local governments</p>
<p>Delegation to</p>	<p>Chief Executive Officer Building Surveyor Environmental Health Officer</p>
<p>Conditions and exceptions</p>	<p>Nil</p>
<p>Sub-delegated to</p>	<p>Nil</p>
<p>Delegation delegated</p>	<p>N/A</p>
<p>Reporting requirements</p>	<p>Records maintained in the Building Filing System.</p>

2.4.3 GRANT OCCUPANCY PERMIT OR BUILDING APPROVAL CERTIFICATE

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<p>Authority to:</p> <ol style="list-style-type: none"> 1. Require an applicant to provide any document or information required in order to determine an application [S. 55]. 2. Grant or modify an occupancy permit or building approval certificate [S. 58]. 3. Impose, add vary or revoke conditions on an occupancy permit or building approval certificate [S. 62(1) and (3)]. 4. Extend the period in which an occupancy permit or modification or building approval certificate has effect [S. 65(4)].
<p>Legislative power or duty delegated</p>	<p><i>Building Act 2011</i> Section 55 Further Information Section 58 Grant of Occupancy Permit, Building Approval Certificate Section 62(1) and (3) Condition Imposed by Permit Authority Section 65(4) Extension of Period of Duration</p> <p><i>Building Regulations 2012</i> r.40 Extension of period of time limited occupancy permit or building approval certificate (s.65)</p>
<p>Legislative power to delegate</p>	<p><i>Building Act 2011</i> Section 127 Delegation: special permit authorities and local governments</p>
<p>Delegation to</p>	<p>Chief Executive Officer Building Surveyor Environmental Health Officer</p>
<p>Conditions and exceptions</p>	<p>Nil</p>
<p>Sub-delegated to</p>	<p>Nil</p>
<p>Delegation delegated</p>	<p>N/A</p>
<p>Reporting requirements</p>	<p>Signed Occupancy Permits or Building Approval Certificates to be entered into the Shire records system</p>

2.4.4 BUILDING ORDERS

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<ol style="list-style-type: none"> 1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> a. Building work b. Demolition work c. An existing building or incidental structure [s.110(1)]. 2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]. 3. Authority to revoke a building order [s.117]. 4. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> a. take any action specified in the order ; or b. commence or complete any work specified in the order; or c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)]. 5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non- compliance with a building order [s.118(3)]. 6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the <i>Building Act 2011</i>.
<p>Legislative power or duty delegated</p>	<p><i>Building Act 2011</i> Section 110(1) A Permit Authority (Local Government) may make a Building Order Section 111(1) Notice of proposed building order other than building order (emergency) Section 117(1) and(2) A Permit Authority (Local Government) may revoke a Building Order or notify that it remains in effect Section 118(2) and (3) Permit authority may give effect to building order if non-compliance Section 133(1) A Permit Authority (Local Government) may commence a prosecution for an offence against this Act</p>
<p>Legislative power to delegate</p>	<p><i>Building Act 2011</i> Section 127 Delegation: special permit authorities and local governments</p>
<p>Delegation to</p>	<p>Chief Executive Officer Building Surveyor Environmental Health Officer</p>
<p>Conditions and exceptions</p>	<p>Nil</p>
<p>Sub-delegated to</p>	<p>Nil</p>
<p>Delegation delegated</p>	<p>N/A</p>
<p>Reporting requirements</p>	<p>Signed Building Orders to be entered into the Shire records system.</p>

2.4.5 INSPECTION, COPY OF A BUILDING RECORD

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<p>Authority to determine an application from an interested person to inspect and copy a building record [S. 131(2)].</p>
<p>Legislative power or duty delegated</p>	<p><i>Building Act 2011</i> Section 131(2) Inspection, Copies of Building Records</p>
<p>Legislative power to delegate</p>	<p><i>Building Act 2011</i> Section 127 Delegation: special permit authorities and local governments</p>
<p>Delegation to</p>	<p>Chief Executive Officer Building Surveyor Environmental Health Officer</p>
<p>Conditions and exceptions</p>	<p>Nil</p>
<p>Sub-delegated to</p>	<p>Nil</p>
<p>Delegation delegated</p>	<p>N/A</p>
<p>Reporting requirements</p>	<p>Nil</p>

2.4.6 DESIGNATE EMPLOYEES AS AUTHORISED PERSONS

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<ol style="list-style-type: none"> 1. Authority to designate an employee as an authorised person [s.96(3)]. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)].
<p>Legislative power or duty delegated</p>	<p><i>Building Act 2011</i> s.96(3) authorised persons s.99(3) Limitation on powers of authorised person</p>
<p>Legislative power to delegate</p>	<p><i>Building Act 2011</i> Section 127 Delegation: special permit authorities and local governments</p>
<p>Delegation to</p>	<p>Chief Executive Officer Building Surveyor Environmental Health Officer</p>
<p>Conditions and exceptions</p>	<p>Nil</p>
<p>Sub-delegated to</p>	<p>Nil</p>
<p>Delegation delegated</p>	<p>N/A</p>
<p>Reporting requirements</p>	<p>Letters of Authorisation to be entered into the Shire records system.</p>

2.4.7 REFERRALS AND ISSUING CERTIFICATES

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<ol style="list-style-type: none"> 1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)]. 2. Authority to issue a certificate of Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire of Dumbleyung's District [s.145A(2)].
<p>Legislative power or duty delegated</p>	<p><i>Building Act 2011</i> s.145A Local Government functions</p>
<p>Legislative power to delegate</p>	<p><i>Building Act 2011</i> Section 127 Delegation: special permit authorities and local governments</p>
<p>Delegation to</p>	<p>Chief Executive Officer Building Surveyor Environmental Health Officer</p>
<p>Conditions and exceptions</p>	<p>Nil</p>
<p>Sub-delegated to</p>	<p>Nil</p>
<p>Delegation delegated</p>	<p>N/A</p>
<p>Reporting requirements</p>	<p>Copies of all Referrals and Issued Certificates to be entered into the Shire records system.</p>

2.4.8 PRIVATE POOL BARRIER – ALTERNATIVE AND PERFORMANCE SOLUTIONS

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<ol style="list-style-type: none"> 1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926.1 [r.51(2)] 2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)] 3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)].
<p>Legislative power or duty delegated</p>	<p><i>Building Act 2011</i> r.51 Approvals by permit authority</p>
<p>Legislative power to delegate</p>	<p><i>Building Act 2011</i> Section 127 Delegation: special permit authorities and local governments</p>
<p>Delegation to</p>	<p>Chief Executive Officer Building Surveyor Environmental Health Officer</p>
<p>Conditions and exceptions</p>	<p>Nil</p>
<p>Sub-delegated to</p>	<p>Nil</p>
<p>Delegation delegated</p>	<p>N/A</p>
<p>Reporting requirements</p>	<p>Signed letters, inspection records and notices to be entered into the Shire records system.</p>

Section 5
Planning and Development Act
2005

2.5.1 ILLEGAL DEVELOPMENT

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<ol style="list-style-type: none"> 1. Give a written direction to the owner or any other person undertaking an authorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements. 2. Give a written direction to the owner or any other person who undertook an authorised development; <ol style="list-style-type: none"> a) To remove, pull down, take up or alter the development; and b) To restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority. 3. Give a written direction to the person whose duty it is to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.
<p>Legislative power or duty delegated</p>	<p><i>Planning and Development Act 2005</i> Section 214(2), (3) and (5)</p>
<p>Legislative power to delegate</p>	<p><i>Local Government Act 1995</i> Section 5.42</p>
<p>Delegation to</p>	<p>Chief Executive Officer Building Surveyor</p>
<p>Conditions and exceptions</p>	<p>Nil</p>
<p>Sub-delegated to</p>	<p>Nil</p>
<p>Delegation delegated</p>	<p>N/A</p>
<p>Reporting requirements</p>	<p>Records of decision and file notes are to be kept on file.</p>

Section 6

Public Health Act 2016

2.6.1 SEPTIC TANK APPROVALS

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<p>Authority to:</p> <ol style="list-style-type: none"> 1. Approve the construction or installation of an apparatus [S. 4]. 2. Inspect and issue a permit to use an apparatus [S. 10(2)].
<p>Legislative power or duty delegated</p>	<p><i>Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974</i> Section 4 Approval of construction or installation of apparatus by local government Section 10(2) Permit to use apparatus</p>
<p>Legislative power to delegate</p>	<p><i>Public Health Act 2016</i> Section 21 Enforcement agency may delegate</p>
<p>Delegation to</p>	<p>Chief Executive Officer Environmental Health Officer</p>
<p>Conditions and exceptions</p>	<p>Cannot be sub-delegated.</p>
<p>Sub-delegated to</p>	<p>Nil</p>
<p>Delegation delegated</p>	<p>N/A</p>
<p>Reporting requirements</p>	<p>Records of approval must be kept in the shire filing system.</p>

2.6.2 APPOINTMENT OF AUTHORISED OFFICERS

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<p>1. Authority to designate a person or class of persons as authorised officers for the purposes of:</p> <ol style="list-style-type: none"> i. The Public Health Act 2016 or other specified Act. ii. Specified provisions of the Public Health Act 2016 or other specified act. iii. Provisions of the Public Health Act 2016 or another specified Act, other than the specified provisions of that Act. <p>Including:</p> <ol style="list-style-type: none"> a. An environmental health officer or environmental health officers as a class; or b. A person who is not an environmental health officer or a class of persons who are not environmental health officers; or c. A mixture of the two. [s.24(1) and (3)].
<p>Legislative power or duty delegated</p>	<p><i>Public Health Act 2016</i> s. 24 Designation of authorised officers s. 30 Certificates of authority</p>
<p>Legislative power to delegate</p>	<p><i>Public Health Act 2016</i> s.21 Enforcement agency may delegate</p>
<p>Delegation to</p>	<p>Chief Executive Officer</p>
<p>Conditions and exceptions</p>	<p>Cannot be sub-delegated.</p>
<p>Sub-delegated to</p>	<p>Nil</p>
<p>Delegation delegated</p>	<p>N/A</p>
<p>Reporting requirements</p>	<p>Instruments or Certificates of Authorisation – Copies are to be retained in the record keeping system and Authorised Person’s personnel file. A record of each Authorisation is to be retained in the Authorised Persons Register and retained in the record keeping system.</p>

Section 7

Dog Act 1976

2.7.1 POWERS, DUTIES AND FUNCTIONS OF THE LOCAL GOVERNMENT

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<p>All powers, duties and functions of the local government under the <i>Dog Act 1976</i>.</p>
<p>Legislative power or duty delegated</p>	<p><i>Dog Act 1976</i></p>
<p>Legislative power to delegate</p>	<p><i>Dog Act 1976</i> Part II s. 10AA Delegation of local government power and duties</p>
<p>Delegation to</p>	<p>Chief Executive Officer</p>
<p>Conditions and exceptions</p>	<p>Authorisation for the delegate to further delegate the power or duty.</p>
<p>Sub-delegated to</p>	<p>Director of Infrastructure Works Supervisor Governance & Compliance Officer Administration Officer Ranger</p>
<p>Delegation delegated</p>	<p>N/A</p>
<p>Reporting requirements</p>	<p>Nil</p>

Section 8
Cat Act 2011

2.8.1 POWERS, DUTIES AND FUNCTIONS OF THE LOCAL GOVERNMENT

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<p>All powers, duties and functions of the local government under the <i>Cat Act 2011</i>.</p>
<p>Legislative power or duty delegated</p>	<p><i>Cat Act 2011</i></p>
<p>Legislative power to delegate</p>	<p><i>Cat Act 2011</i> Part 4 Division 2 Ss 44-46 Delegation by local government Delegation by CEO of local government Other matters relevant to delegations under this Division</p>
<p>Delegation to</p>	<p>Chief Executive Officer</p>
<p>Conditions and exceptions</p>	<p>A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under another provision of this Act.</p>
<p>Sub-delegated to</p>	<p>Director of Infrastructure Works Supervisor Governance & Compliance Officer Administration Officer Ranger</p>
<p>Delegation delegated</p>	<p>N/A</p>
<p>Reporting requirements</p>	<p>Nil</p>

Section 9

Delegations by Council

2.9.1 COUNCIL COMMON SEAL – USE OF

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<p>Authority to sign and affix the common seal when:</p> <p>a) A Council approved or authorised activity or occurrence requires the common seal to be affixed.</p> <p>b) The Chief Executive Officer determines it would be appropriate.</p>
<p>Legislative power or duty delegated</p>	<p>The Chief Executive Officer is delegated authority to affix the common seal of the Shire of Dumbleyung, without prior approval of Council, to any document which requires the affixing of the common seal to be validly executed.</p>
<p>Legislative power to delegate</p>	<p>Section 9.49A(2) of the <i>Local Government Act 1995</i> prescribes that the common seal of a local government is not to be affixed to any document except as authorised by the local government.</p> <p>Section 9.49A(3) of the <i>Local Government Act 1995</i> requires that the common seal is to be affixed to a document in the presence of the President and CEO or an officer authorised by the CEO.</p>
<p>Delegation to</p>	<p>Chief Executive Officer</p>
<p>Conditions and exceptions</p>	<ol style="list-style-type: none"> 1. The CEO is to have charge of the common seal of the Shire of Dumbleyung, and is responsible for the safe custody and proper use of it. 2. The common seal of the Shire of Dumbleyung may only be used on the authority of the Council given either generally or specifically and every document to which the seal is to be affixed must be jointly signed by the President and the CEO or a senior employee authorised by him or her. 3. For official documents the signing shall be accompanied by the words “The Common Seal of the Shire of Dumbleyung was hereto affixed by authority of Council”.
<p>Sub-delegated to</p>	<p>Nil</p>
<p>Delegation delegated</p>	<p>N/A</p>
<p>Reporting requirements</p>	<p>The CEO is to record in a register each date on which the common seal of the Shire of Dumbleyung was affixed to the document, the nature of the document, and the parties to any agreement wo which the common seal was affixed.</p>

2.9.2 BUDGET IMPLEMENTATION

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<p>When implementing the budget, authority to use management discretion in:</p> <ul style="list-style-type: none"> a) Implementing expenditure and income programs contained in the Budget, the detail of which has been finalised. b) Appointing of consultants including architects, valuers, auctioneers, selling and leasing agents, to enable the proper administration of Council’s business. c) Prioritising work, unless otherwise directed by Council. d) Determining whether or not to call tenders or sell by tender or auction where an obligation does not exist to do so under the <i>Local Government Act 1995</i>. e) Authorising overtime. f) Engaging staff other than Senior Staff. g) Use management discretion in implementing the budget and in incurring expenditures without further authorisation. This is to assist with streamlining Council operations and to improve efficiency and effectiveness.
<p>Legislative power or duty delegated</p>	<p>Nil</p>
<p>Legislative power to delegate</p>	<p><i>Local Government Act 1995</i> Section 5.42</p>
<p>Delegation to</p>	<p>Chief Executive Officer</p>
<p>Conditions and exceptions</p>	<p>Costs must be contained within budget allocations and subject to compliance with the <i>Local Government Act 1995</i> and Council’s Policies; and Council being allowed to identify projects that are not to proceed with its approval.</p>
<p>Sub-delegated to</p>	<p>Nil</p>
<p>Delegation delegated</p>	<p>N/A</p>
<p>Reporting requirements</p>	<p>Nil</p>

2.9.3 PURCHASE OF GOODS AND SERVICES

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<p>Authority to issue purchase orders for the purchase of goods or services.</p>	
<p>Legislative power or duty delegated</p>	<p>Nil</p>	
<p>Legislative power to delegate</p>	<p><i>Local Government Act 1995</i> Section 5.42</p>	
<p>Delegation to</p>	<p>Chief Executive Officer</p>	
<p>Conditions and exceptions</p>	<p>Delegation Limits of: Chief Executive Officer Director of Corporate Services Director of Infrastructure Mechanic Project Manager Governance & Compliance Officer Payroll/Rates Officer Economic Development Officer</p>	<p>Unlimited \$150,000 \$150,000 \$10,000 \$10,000 \$3,000 \$3,000 \$3,000</p>
<p>Sub-delegated to</p>	<p>Director of Corporate Services Director of Infrastructure Mechanic Project Manager Governance and Compliance Officer Payroll/Rates Officer Economic Development Officer</p>	
<p>Delegation delegated</p>	<p>The CEO sub-delegates the authority to issue purchase orders for goods or services up to the limits declared in the conditions and exceptions. This authority cannot be delegated.</p>	
<p>Reporting requirements</p>	<p>Nil</p>	

2.9.4 PRIVATE WORKS

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<p>Authority to authorise private works.</p>
<p>Legislative power or duty delegated</p>	<p>Nil</p>
<p>Legislative power to delegate</p>	<p><i>Local Government Act 1995</i> Section 5.42</p>
<p>Delegation to</p>	<p>Chief Executive Officer Shire President</p>
<p>Conditions and exceptions</p>	<ol style="list-style-type: none"> 1. Works are valued under \$30,000. 2. The private works request must be in writing under the form provided. 3. Council's private works rates are to be utilised in forming estimates. 4. For public authorities, an order number authorising the work must be received prior to the commencement of works. <p>Works valued at over \$30,000 are to be referred to Council unless a decision must be made before Council meeting in which the Shire President and Chief Executive Officer can authorise the works.</p>
<p>Sub-delegated to</p>	<p>Director of Infrastructure</p>
<p>Delegation delegated</p>	<p>The CEO sub-delegates the authority to issue purchase orders for goods or services up to the following limits:</p> <ul style="list-style-type: none"> • Director of Infrastructure - \$10,000 <p>This authority cannot be delegated.</p>
<p>Reporting requirements</p>	<p>Nil</p>

2.9.5 DETERMINATION OF PLANNING APPLICATIONS

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below condition exceptions)</i></p>	<ol style="list-style-type: none"> 1. Unconditionally or conditionally approve development applications for those uses listed in the Zoning Table of Local Planning Scheme No.1 as being permitted (i.e. all 'P' uses) within any given zone subject to the proposal being fully compliant with the standards and requirements of Local Planning Scheme No.1 and any associated local planning policy. 2. Refuse development applications for those uses listed in the Zoning Table of Local Planning Scheme No.1 as being prohibited/not permitted (i.e. all 'X' uses) within any given zone. 3. Unconditionally or conditionally approve development applications for the development and use of any Local Scheme Reserve where such development is for community and/or public recreational purposes that are not defined as public works and are not therefor exempt from the need of development approval. 4. With respect to development applications proposing a use that is not specifically referred to in the Zoning Table of Local Planning Scheme No.1 and that cannot reasonably be determined as falling within a class use referred to in the zoning table, determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions, including the method/s of notice, before presenting such applications to Council for considering and determination.
<p>Legislative power or duty delegated</p>	<p><i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Sections 82, 83 and 84 in Schedule 2</p>
<p>Legislative power to delegate</p>	<p><i>Local Government Act 1995</i> Section 5.42(1)(b) <i>Planning and Development Act 2005</i> Section 214(2), (3) or (5) <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Sections 82, 83 and 84 in Schedule 2</p>
<p>Delegation to</p>	<p>Chief Executive Officer</p>
<p>Conditions and exceptions</p>	<p>All determinations regarding subdivision or amalgamation applications are not made by Council under Local Planning</p>

	Scheme No.1 and are instead made by the Western Australian Planning Commission under the Planning and Development Act 2005 and therefore cannot be delegated.
Sub-delegated to	Nil
Delegation delegated	N/A
Reporting requirements	Details of decision made are to be recorded in writing and retained in the Council recordkeeping system, along with evidentiary documents. Such records/documents must contain sufficient information to ensure that the requirements of Regulation 19 of the <i>Local Government (Administration) Regulations 1996</i> are met.

Section 10
Liquor Control Act 1988

2.10.1 LIQUOR LICENSING ADMINISTRATION – CONSUMPTION OF ALCOHOL

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<p>Power to issue consent requirement to applicants seeking approval for the consumption of alcohol for special occasions on Council owned or vested land, in accordance with s59(2)(b)(ii) <i>Liquor Control Act 1988</i>.</p>
<p>Legislative power or duty delegated</p>	<p><i>Liquor Control Act 1988</i> s59 Occasional licence, effect, conditions and pre-requisites for grant of</p>
<p>Legislative power to delegate</p>	<p><i>Local Government Act 1995</i> Section 5.42</p>
<p>Delegation to</p>	<p>Chief Executive Officer</p>
<p>Conditions and exceptions</p>	<p>Nil</p>
<p>Sub-delegated to</p>	<p>Director of Corporate Services</p>
<p>Delegation delegated</p>	<p>Power to issue consent requirement to applicants seeking approval for the consumption of alcohol for special occasions on Council owned or vested land, in accordance with s59(2)(b)(ii) <i>Liquor Control Act 1988</i>.</p>
<p>Reporting requirements</p>	<p>All evidentiary documents must meet the requirements of and must be retained on the Shire's record keeping database.</p>

2.10.2 LIQUOR LICENSING ADMINISTRATION – SECTION 39 & 40 CERTIFICATES

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<p>Power to:</p> <ol style="list-style-type: none"> 1. Issue Certificates of Local Government in accordance with s39 <i>Liquor Control Act 1988</i>; and 2. Issue Certificates of Local Planning Authority in accordance with s40 <i>Liquor Control Act 1988</i>.
<p>Legislative power or duty delegated</p>	<p><i>Liquor Control Act 1988</i> s39 Certificate of local government as to whether premises comply with laws s40 Certificate of planning authority as to whether use of premises complies with planning laws</p>
<p>Legislative power to delegate</p>	<p><i>Local Government Act 1995</i> Section 5.42</p>
<p>Delegation to</p>	<p>Chief Executive Officer</p>
<p>Conditions and exceptions</p>	<p>Nil</p>
<p>Sub-delegated to</p>	<p>Nil</p>
<p>Delegation delegated</p>	<p>Nil</p>
<p>Reporting requirements</p>	<p>All evidentiary documents must meet the requirements of and must be retained on the Shire’s record keeping database.</p>