



## Shire of Mingenew Register of Delegated Authority (NLM201308)

Shire of Mingenew – Delegations Register

Document Control			
Document Development Officer:	Governance Officer		
Document Owner:	Chief Executive Officer		
Records Reference Number:	NLM201308 / ADM0490		
File name and path:	M:\Governance\Delegations and Authorisations\Delegation Register\Delegations Register v1.6 NLM201308 20 May 2020 DRAFT.docx		
Status of Document:	Draft		
Distribution:	Public Distribution		
Document Revision History			
Version	Author	Version Description	Date Completed
1.0	GO & CEO	Draft Approved by CEO	05/06/2018
1.0	COUNCIL	Adopted by Council	20/06/2018
1.1	COUNCIL	CD12 altered – CGG Building Officers removed	18/07/2018
1.2	COUNCIL	CD13 altered – s18(5) added to delegation	19/09/2018
1.3	COUNCIL	Updated Council Delegations to Committees & Task Specific Delegations (NLM19931)	19/12/2018
1.4	COUNCIL	Annual Review by Council – see changes as per April 2019 Minutes	17/05/2019
1.5	GO & CEO	Updated CEO to Staff Delegations & CEO Authorisations (Parts 5 & 6)	26/06/2019
1.6	COUNCIL	Annual Review by Council – see changes as per May 2020 Minutes	20/05/2020

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### **The Purpose of Delegating Authority**

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. This is consistent with the Shire of Mingenew's (the Shire) commitment to a strong customer service focus. The register details the related document(s) where the power to delegate is derived from. This enables easier cross-referencing. This delegated authority register will be reviewed in accordance with the Local Government Act 1995 (the Act) on an annual basis.

### **Council's Understanding**

It is the understanding of Council that by delegating its authority it is granting sufficient power to enable the Shire's responsibilities to be fulfilled in a timely, open and accountable manner.

It is the expectation of Council that the Chief Executive Officer and other officers will use the delegated authority conferred on them in a manner that aligns with Council's values and objectives and they will demonstrate appropriate judgment and accountability in regard to the circumstances and extent of the use of that power.

### **Legislation**

The Local Government Act 1995 allows for a local government to delegate to the Chief Executive Officer (CEO) the exercise of any of its powers or the discharge of any of its duties under the Act except those listed in section 5.43. All delegations made by the Council must be by absolute majority decision [s5.42 (1)].

### **Associated Legislation**

Legislation other than the Local Government Act 1995, its regulations and the local government's local laws created under the Act where delegations or authorisations may occur are as follows: -

- Building Act 2011
- Road Traffic Act 1974
- Public Health Act 2016
- Road Traffic (Vehicles) Act 2012
- Caravan Parks and Camping Grounds Act 1955
- Bush Fires Act 1954
- Planning and Development Act 2005
- Shire of Mingenew Local Planning Scheme No. 4
- Food Act 2008
- Dog Act 1976
- Cat Act 2011

### **Delegation by the Chief Executive Officer**

The Act allows for the CEO to delegate any of the powers to another employee [s5.44 (1)]. This must be done in writing [s5.44 (2)]. The Act allows for the CEO to place conditions on any delegations [s 5.44 (4)].

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

The record is to contain the following information:

- how the person exercised the power or discharged the duty;
- when the person exercised the power or discharged the duty; and
- the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty {Local Government (Administration) Regulations 1996 Regulation 19.

A person to whom a power is delegated under the Act is considered to be a 'designated employee' under s5.74(b) of the Act and is required to complete a primary and annual return each year.

## **PART 1**

### **State Government Delegations**

Title:	SD52 Environmental Protection Act - Noise		
Delegation No:	SD52		
Delegation from:	State Government	Delegation to:	Chief Executive Officer

This detail is provided as a reference only. Delegates shall only act in full understanding of the delegated legislative power, inclusive of conditions [refer below].

Statutory Power Delegated:	<p>Published by: <b>GOVERNMENT GAZETTE</b> No. 47. 19-Mar-2004  Environment Western Australia Page: 919 Pdf - 476kb  <a href="#">Previous</a> <a href="#">Close</a> <a href="#">Next</a></p>		
	<p><b>EV401</b></p> <p><b>ENVIRONMENTAL PROTECTION ACT 1986</b></p> <p><b>Section 20</b></p> <p>Delegation No. 52</p> <p>Pursuant to section 20 of the <i>Environmental Protection Act 1986</i>, the Chief Executive Officer hereby delegates as follows—</p> <p>Powers and duties delegated—</p> <p>All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice.</p> <p>Persons to whom delegation made—</p> <p>This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the <i>Local Government Act 1995</i>.</p> <p>Pursuant to section 59(1)(e) of the <i>Interpretations Act 1984</i>, Delegation No. 32, dated 4 February 2000 is hereby revoked.</p> <p>Dated this 9<sup>th</sup> day of January 2004.</p> <p>Approved—</p> <p>FERDINAND TROMP, A/Chief Executive Officer.</p> <p>Dr JUDY EDWARDS MLA, Minister for the Environment.</p>		

Title:	SD112 Environmental Protection Act - Noise		
Delegation No:	SD112		
Delegation from:	State Government	Delegation to:	Chief Executive Officer

This detail is provided as a reference only. Delegates shall only act in full understanding of the delegated legislative power, inclusive of conditions [refer below].

Statutory Power Delegated:	<p>Published by: <b>GOVERNMENT GAZETTE</b> No. 232. 20-Dec-2013  Environment Western Australia Page: 6282 Pdf - 3Mb  <a href="#">Previous</a> <a href="#">Close</a> <a href="#">Next</a></p>		
	<p><b>EV402</b></p> <p><b>ENVIRONMENTAL PROTECTION ACT 1986</b></p> <p>Delegation No. 112</p> <p>I, Jason Banks, in my capacity as Acting Chief Executive Officer of the Department of Environment Regulation responsible for the administration of the <i>Environmental Protection Act 1986</i> ("the Act"), and pursuant to section 20 of the Act, hereby delegate to any person for the time being holding or acting in the office of a Chief Executive Officer under the <i>Local Government Act 1995</i>, my powers and duties under the <i>Environmental Protection (Noise) Regulations 1997</i>, other than this power of delegation, in relation to--</p> <ul style="list-style-type: none"> <li>(a) waste collection and other works--noise management plans relating to specified works under regulation 14A or 14B;</li> <li>(b) bellringing or amplified calls to worship--the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi);</li> <li>(c) community activities--noise control notices in respect of community noise under regulation 16;</li> <li>(d) motor sport venues--noise management plans in relation to motor sport venues under Part 2 Division 3;</li> <li>(e) shooting venues--noise management plans in relation to shooting venues under Part 2 Division 4;</li> <li>(f) calibration results--requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;</li> <li>(g) sporting, cultural and entertainment events--approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation-- <ul style="list-style-type: none"> <li>(i) Subregulation 18(13)(b) is not delegated.</li> </ul> </li> </ul> <p>Under section 59(1)(e) of the <i>Interpretation Act 1984</i>, Delegation No. 68, gazetted 22 June 2007 is hereby revoked.</p> <p>Dated the 12th day of December 2013.</p> <p style="text-align: right;">JASON BANKS, Acting Chief Executive Officer.</p> <p>Approved by--</p> <p style="text-align: right;">JOHN DAY, Acting Minister for Environment; Heritage.</p>		

Title:	SD119 Environmental Protection Act - Noise		
Delegation No:	SD119		
Delegation from:	State Government	Delegation to:	Chief Executive Officer


This detail is provided as a reference only. Delegates shall only act in full understanding of the delegated legislative power, inclusive of conditions [refer below].

<b>Statutory Power Delegated:</b>	<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 20%;"> <p>Published by: Environment</p> </div> <div style="width: 50%; text-align: center;"> <p><b>GOVERNMENT GAZETTE</b> Western Australia <a href="#">Previous</a> <a href="#">Close</a> <a href="#">Next</a></p> </div> <div style="width: 20%; text-align: right;"> <p>No. 71. 16-May-2014 Page: 1548 <a href="#">Pdf</a> - <a href="#">2Mb</a></p> </div> </div> <div style="margin-top: 20px;"> <p><b>EV405</b></p> <p style="text-align: center;"><b>ENVIRONMENTAL PROTECTION ACT 1986</b></p> <p style="text-align: center;">Delegation No. 119</p> <p>I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department responsible for the administration of the <i>Environmental Protection Act 1986</i> ("the Act"), and pursuant to section 20 of the Act, hereby delegate to the holder for the time being of the offices of:-</p> <p style="margin-left: 40px;">(a) Chief Executive Officer under the <i>Local Government Act 1995</i>; and</p> <p style="margin-left: 40px;">(b) to any employee of the local government under the <i>Local Government Act 1995</i> who is appointed as an Authorised Person under section 87 of the Act,</p> <p>all my powers and duties in relation to noise management plans under regulation 13 of the <i>Environmental Protection (Noise) Regulations 1997</i>, other than this power of delegation.</p> <p>Under section 59(1)(e) of the <i>Interpretation Act 1984</i>, Delegation No. 111, gazetted 20 December 2013, is hereby revoked.</p> <p>Dated the 1st day of May 2014.</p> <p style="text-align: right;">JASON BANKS, Acting Chief Executive Officer.</p> </div>
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Title:	SD01 Planning and Development Act – Development Applications		
Delegation No:	SD01		
Delegation from:	State Government	Delegation to:	Chief Executive Officer

This detail is provided as a reference only. Delegates shall only act in full understanding of the delegated legislative power, inclusive of conditions [refer below].

Statutory Power Delegated:	<p style="text-align: center;"><b>DoL FILE 1738/2002v8; 858/2001v9</b></p> <p style="text-align: center;"><b><i>PLANNING AND DEVELOPMENT ACT 2005</i></b></p> <p style="text-align: center;"><b>INSTRUMENT OF AUTHORISATION</b></p> <p>I, <b>Donald Terrence Redman MLA</b>, Minister for Lands, a body corporate continued by section 7(1) of the <i>Land Administration Act 1997</i>, under section 267A of the <i>Planning and Development Act 2005</i>, HEREBY authorise, in respect of each local government established under the <i>Local Government Act 1995</i> and listed in Column 2 of the Schedule, the person from time to time holding or acting in the position of Chief Executive Officer of the relevant local government, to perform the powers described in Column 1 of the Schedule subject to the conditions listed in Column 3 of the Schedule.</p> <p>Dated the <u>2<sup>nd</sup></u> day of <u>June</u> 2016</p> <p style="text-align: center;"></p> <p><b>HON DONALD TERRENCE REDMAN MLA</b> <b>MINISTER FOR LANDS</b></p>
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SCHEDULE		
This is the Schedule referred to in an Instrument of Authorisation relating to Development Applications under the <i>Planning and Development Act 2005</i>		
Column 1	Column 2	Column 3
<p>The power to sign as owner in respect of Crown land that is:</p> <ul style="list-style-type: none"> <li>a reserve managed by the local government pursuant to section 46 of the <i>Land Administration Act 1997</i> and the development is consistent with the reserve purpose and the development is not for a commercial purpose; or</li> <li>the land is a road of which the local government has the care, control and management under section 55(2) of the <i>Land Administration Act 1997</i> and where there is no balcony or other structure proposed to be constructed over that road unless that structure comes within the definition of a "minor encroachment" in the <i>Building Regulations 2012</i> (Regulation 45A), or is an "awning, verandah or thing" (Regulation 45B), or is a ground anchor, and where the development is consistent with the use of the land as a road,</li> </ul> <p>in respect of development applications being made under or referred to in:</p> <p>(i) section 99(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);</p> <p>(ii) section 103(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a local interim development order (as that term is defined in that Act);</p> <p>(iii) section 115 of the <i>Planning and Development Act 2005</i> in respect of development within a planning control area (as that term is defined in that Act);</p> <p>(iv) section 122A of the <i>Planning and Development Act 2005</i> in respect of which approval is required under an improvement scheme (as that term is defined in that Act);</p> <p>(v) section 162 of the <i>Planning and Development Act 2005</i> in respect of developments for which approval is required under a planning scheme or interim development order (as those terms are defined in that Act);</p> <p>(vi) section 163 of the <i>Planning and Development Act 2005</i> in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the <i>Heritage of Western Australia Act 1990</i>, or of which such a place forms part;</p> <p>(vii) section 171A of the <i>Planning and Development Act 2005</i> in respect of a prescribed development application (as that term is defined in that section of that Act).</p>	<p>City of Albany City of Amadale Shire of Ashburton Shire of Augusta-Margaret River Town of Bassendean City of Bayswater City of Belmont Shire of Beverley Shire of Boddington Shire of Boyup Brook Shire of Bridgetown-Greenbushes Shire of Brookton Shire of Broome Shire of Broomehill-Tambellup Shire of Bruce Rock City of Bunbury Shire of Busselton Town of Cambridge City of Canning Shire of Capel Shire of Carnamah Shire of Carnarvon Shire of Chapman Valley Shire of Chittering Shire of Christmas Island Town of Claremont City of Cockburn Shire of Cocos (Keeling) Islands Shire of Collie Shire of Coolgardie Shire of Coorow Shire of Corrigin Town of Cottesloe Shire of Cranbrook Shire of Cuballing Shire of Cue Shire of Cunderdin Shire of Dalwallinu Shire of Dandaragan Shire of Dardanup Shire of Denmark Shire of Derby/West Kimberley Shire of Donnybrook-Balingup Shire of Dowerin Shire of Dumbleyung Shire of Dundas Town of East Fremantle Shire of East Pilbara Shire of Esperance Shire of Exmouth City of Fremantle City of Greater Geraldton</p> <p>Shire of Gingin Shire of Gnowangerup Shire of Goomalling City of Goswells Shire of Halls Creek Shire of Harvey Shire of Irwin Shire of Jerramungup City of Jeeralup Shire of Kalamunda City of Kalgoorlie-Boulder Shire of Katanning Shire of Kellerberrin Shire of Kent Shire of Kojonup Shire of Kondinin Shire of Koorda Shire of Kulin City of Kwinana Shire of Lake Grace Shire of Laverton Shire of Leonora City of Mandurah Shire of Manjimup Shire of Meekatharra City of Melville Shire of Menzies Shire of Merredin Shire of Mingenew Shire of Moore Shire of Morawa Town of Mosman Park Shire of Mount Magnet Shire of Mt Marshall Shire of Mukinbudin Shire of Mundaring Shire of Murchison Shire of Murray</p>	<p>In accordance with and subject to approved Government Land policies.</p> <p>Any signature subject to the following endorsement: Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the <i>Planning and Development Act 2005</i> (including any planning scheme). The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.</p>

<b>Title:</b>	<b>SD02 Planning and Development Act – Strata Titles Act</b>		
<b>Delegation No:</b>	SD02		
<b>Delegation from:</b>	State Government	<b>Delegation to:</b>	Local Government

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<b>Statutory Power Delegated:</b>	<p>Published by: <b>GOVERNMENT GAZETTE</b> Western Australia  <a href="#">Previous</a> <a href="#">Close</a> <a href="#">Next</a></p> <p>No. 98. 09-Jun-2009  Page: 1936 Pdf - 429kb</p>		
	<p><b>PI409</b></p> <p><b>PLANNING AND DEVELOPMENT ACT 2005</b>  <b>Instrument of Delegation</b>  <b>Del 2009/03 Powers of Local Governments</b></p> <p><b>Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the issuing of certificates of approval under section 25 of the <i>Strata Titles Act 1985</i></b></p> <p><b>Preamble</b></p> <p>Under section 16 of the <i>Planning and Development Act 2005</i> (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the <i>Government Gazette</i>, delegate any function under the Act or any other written law to a local government, a committee established under the <i>Local Government Act 1995</i> or an employee of a local government.</p> <p>In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or imposed on the WAPC by the Act or any other written law as the case requires.</p> <p><b>Resolution under section 16 of the Act (delegation)</b></p> <p>On 26 May 2009, pursuant to section 16 of the Act, the WAPC RESOLVED—</p> <p>A TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under section 25 of the <i>Strata Titles Act 1985</i> as set out in clause 1 of Schedule, within their respective districts, subject to the conditions set out in clause 2 of Schedule 1.</p> <p style="text-align: right;">TONY EVANS, Western Australian Planning Commission.</p> <p><b>SCHEDULE 1</b></p> <p><b>1. Applications made under section 25 of the <i>Strata Titles Act 1985</i></b></p> <p>Power to determine applications for the issuing of a certificate of approval under section 25 of the <i>Strata Titles Act 1985</i> for a plan of subdivision, re-subdivision or consolidation, except those applications that—</p> <p>(a) propose the creation of a vacant lot;</p> <p>(b) propose vacant air stratas in multi-tiered strata scheme developments;</p> <p>(c) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to—</p> <p>(i) a type of development; and/or</p> <p>(ii) land within an area,</p> <p>which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.</p> <p><b>2. Reporting requirements</b></p> <p>A local government that exercises the power referred to in clause 1 is to provide WAPC with data on all applications determined under this Instrument of Delegation at the conclusion of each financial year in the format prescribed by the WAPC.</p>		



Title:	SD03 Road Traffic Code 2000 - Events		
Delegation No:	SD03		
Delegation from:	State Government	Delegation to:	Local Government

This detail is provided as a reference only. Delegates shall only act in full understanding of the delegated legislative power, inclusive of conditions [refer below].

Statutory Power Delegated:	<p style="text-align: center;"><b>WESTERN AUSTRALIA</b>  <b>ROAD TRAFFIC CODE 2000</b>  <b>REGULATION 297(2)</b>  <b>INSTRUMENT OF AUTHORISATION</b></p> <p style="text-align: center;">RELATING TO  <b>TRAFFIC MANAGEMENT FOR EVENTS</b></p> <p>Pursuant to Regulation 297(2) of the <i>Road Traffic Code 2000</i> the Commissioner of Main Roads ("the Commissioner") hereby authorises (<u>Insert name of Local Government</u>) (Authorised Body") by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such road signs of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any:</p> <ul style="list-style-type: none"> <li>i) "event" subject to an order from the Commissioner of Police pursuant to Part VA of the <i>Road Traffic Act 1974</i>;</li> <li>ii) race meeting or speed test for which the Minister referred to in section 83 of the <i>Road Traffic Act 1974</i> has, under that provision, temporarily suspended the operation of any provisions of the <i>Road Traffic Act 1974</i> or regulations made under that Act; or</li> <li>iii) public meeting or procession the subject of a permit granted by the Commissioner of Police under the <i>Public Order in Streets Act 1984</i>;</li> </ul> <p>or as may be required for the purpose of controlling traffic on a road adjacent to, or in the vicinity of, any event or organised activity approved by the Authorised Body under its local laws, on a road (other than a main road or highway) within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:</p> <ul style="list-style-type: none"> <li>(a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Events Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Events Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the event, a copy of which can be obtained from Main Roads Western Australia from <a href="http://www.mainroads.wa.gov.au">www.mainroads.wa.gov.au</a> or by contacting Main Roads by phone;</li> <li>(b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and</li> <li>(c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.</li> </ul> <p>By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.</p> <p>The powers in this Instrument of Authorisation do not change or replace:</p> <ul style="list-style-type: none"> <li>1) any prior Instrument of Authorisation from the Commissioner of Main Roads for the purposes of undertaking traffic management for works on roads; and</li> <li>2) any powers and responsibilities of a local government provided in regulation 9 of the <i>Road Traffic (Events on Roads) Regulations 1991</i>.</li> </ul> <p style="text-align: right;">Page 1 of 2</p>
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<b>Title:</b>	<b>SD04 Road Traffic Code 2000 – Traffic Signage</b>		
<b>Delegation No:</b>	SD04		
<b>Delegation from:</b>	Main Roads WA	<b>Delegation to:</b>	Local Government

This detail is provided as a reference only. Delegates shall only act in full understanding of the delegated legislative power, inclusive of conditions [refer below].

<b>Statutory Power Delegated:</b>	<p style="text-align: center;"><b>WESTERN AUSTRALIA ROAD TRAFFIC CODE 2000 REGULATION 297(2) INSTRUMENT OF AUTHORISATION</b></p> <p>Pursuant to Regulation 297(2) of the Road Traffic Code 2000 the Commissioner of Main Roads ("the Commissioner") hereby authorises ..... ("Authorised Body") by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such traffic signs and traffic control devices of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any works, survey or inspection, associated with the construction, maintenance or repair on a road (other than a main road or highway), any adjoining land or any portion thereof within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:</p> <ul style="list-style-type: none"> <li>(a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Works on Roads Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Roadworks Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the relevant works, a copy of which can be obtained from Main Roads Western Australia from <a href="http://www.mainroads.wa.gov.au">www.mainroads.wa.gov.au</a> or by contacting Main Roads by phone;</li> <li>(b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and</li> <li>(c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.</li> </ul> <p>By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.</p> <p>This Instrument of Authorisation replaces any prior Instrument of Authorisation under Regulation 297(2) of the Road Traffic Code 2000 between the Commissioner and the Authorised Body. The Commissioner's delegation dated 17 July 1975 to a number of Local Governments outside the Perth metropolitan area, is not affected by this Instrument of Authorisation except that this Instrument of Authorisation prevails wherever roadworks are concerned. That 1975 delegation was made under Regulation 301 of the Road Traffic Code 1975 and related to non-regulatory signage.</p>
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Title:	SD05 Road Traffic (Vehicles) Act 2012 – Special Use Vehicles		
Delegation No:	SD05		
Delegation from:	State Government	Delegation to:	Local Government

This detail is provided as a reference only. Delegates shall only act in full understanding of the delegated legislative power, inclusive of conditions [refer below].

Statutory Power Delegated:	<div data-bbox="442 387 571 488" data-label="Image"> </div> <div data-bbox="571 398 924 483" data-label="Text"> <p>Government of Western Australia Department of Transport Driver and Vehicle Services</p> </div> <div data-bbox="646 512 1165 546" data-label="Section-Header"> <h3>ROAD TRAFFIC (VEHICLES) ACT 2012</h3> </div> <div data-bbox="699 571 1107 600" data-label="Text"> <p><i>Road Traffic (Vehicles) Regulations 2014</i></p> </div> <div data-bbox="791 618 1015 647" data-label="Text"> <p><b>RTVR-2017-202046</b></p> </div> <div data-bbox="478 683 1324 739" data-label="Section-Header"> <h4>APPROVAL UNDER REGULATION 327(4)(f) FOR CERTAIN LOCAL GOVERNMENT VEHICLES AS SPECIAL USE VEHICLES</h4> </div> <div data-bbox="437 768 1351 940" data-label="Text"> <p>Pursuant to the <i>Road Traffic (Vehicles) Regulations 2014</i> (the <i>Regulations</i>), I, Christopher Davers, Assistant Director Strategy and Policy, Driver and Vehicle Services, Department of Transport, and delegate of the Chief Executive Officer of the Department of Transport by way of a delegation instrument dated 7 August 2017, hereby approve vehicles owned by a local government and ordinarily used by persons authorised or appointed by that local government to perform functions on its behalf under:</p> </div> <div data-bbox="550 954 1345 1205" data-label="List-Group"> <ul style="list-style-type: none"> <li>(a) the <i>Local Government Act 1995</i>;</li> <li>(b) regulations made under the <i>Local Government Act 1995</i>;</li> <li>(c) a local law;</li> <li>(d) any other legislation empowering a local government to authorise or appoint persons to perform functions on the behalf of the local government (including but not limited to the <i>Dog Act 1976</i>); or</li> <li>(e) any combination of the above paragraphs (a) to (d);</li> </ul> </div> <div data-bbox="434 1216 1316 1330" data-label="Text"> <p>as special use vehicles for the purposes of paragraph "f" of the definition of "<i>special use vehicle</i>" in regulation 327(4) of the <i>Regulations</i>, with the effect that those vehicles may be fitted with one or more yellow flashing lights under regulation 327(3)(b) of the <i>Regulations</i>, subject to the following conditions:</p> </div> <div data-bbox="817 1352 976 1382" data-label="Section-Header"> <h4>CONDITIONS</h4> </div> <div data-bbox="475 1404 1358 1881" data-label="List-Group"> <ol style="list-style-type: none"> <li>1. Those lights must emit rotating, flashing yellow coloured light(s) and must not be a strobe light.</li> <li>2. At least one flashing light shall be mounted on top of the vehicle and when lit, shall be visible in normal daylight up to a distance of not less than 200 metres to vehicles approaching from any direction.</li> <li>3. No part of the lens of the flashing lights is visible either directly or indirectly to the driver when seated in the normal driving position.</li> <li>4. If more than one flashing light is fitted, they must be placed symmetrically about the centre line of the vehicle or combination of vehicles.</li> <li>5. An on/off switch for the flashing lights must be installed so as to be easily operated from the driver's seat.</li> <li>6. Any additional equipment fitted to the vehicle must not interfere with the overall safe operation of the vehicle.</li> <li>7. Any vehicle fitted with flashing lights for the purposes of this approval must:</li> </ol> </div>
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## **PART 2**

### **Council Delegations to Committees**

Shire of Mingenew – Part 2 Council Delegations to Committees

Council Meeting & Resolution No.	Delegation From	Delegation To:	Delegation with Conditions	Absolute Majority
19 December 2018 RESOLUTION - 19121809	Council	Executive Management Committee	Delegate s5.38 of the Local Government Act 1995 and r18D of the Local Government (Administration) Regulations 1996 to the Executive Management Committee to serve as Reviewer for the Chief Executive Officer's <i>Probationary</i> Review.	6/0
19 December 2018 RESOLUTION - 19121809	Council	Executive Management Committee	Delegate s5.38 of the Local Government Act 1995 and r18D of the Local Government (Administration) Regulations 1996 to the Executive Management Committee to serve as Reviewer for the Chief Executive Officer's Performance Reviews for the remainder of the CEO's Contract of Employment.	6/0
19 December 2018 RESOLUTION - 19121809	Council	Executive Management Committee	Authorise the Executive Management Committee to decide, in consultation with the Chief Executive Officer, whether an external facilitator will be engaged to assist with future performance reviews and, if so, the identity of that third party.	6/0



<b>Title:</b>	<b>CDC01 Chief Executive Officer's Performance Appraisal</b>		
<b>Delegation No:</b>	CDC01		
<b>Delegation from:</b>	Council	<b>Delegation to:</b>	Executive Management Committee
<b>Date Adopted:</b>	19 December 2018	<b>Last Reviewed:</b>	20/05/2020 (no change)

This detail is provided as a reference only. Delegates shall only act in full understanding of the delegated legislative power, inclusive of conditions [refer below].

<b>Statutory Power to Delegate:</b>	<i>Local Government Act 1995</i> Section 5.16 - Delegation of some powers and duties to certain committees
<b>Statutory Power Delegated:</b>	<i>Local Government Act 1995</i> Section 5.38- Annual review of certain employee's performances
<b>Function Delegated:</b>	Authority to: 1. Review the performance of the Chief Executive Officer at least once in relation to every year of employment
<b>Conditions</b>	1. Authority is subject to the Local Government Act 1995 and its associated Regulations. 2. The review and report are to be presented to Council for acceptance [of the review], with or without modification, or to reject the review
<b>Cross References (if any)</b>	
<b>Policy:</b>	Nil.
<b>Procedure:</b>	Nil.
<b>Other Statutory:</b>	<i>Local Government Act 1995</i> s5.17 - may not delegate powers/duties requiring absolute majority

## **PART 3**

### **Council Delegations to the Chief Executive Officer**

<b>Title:</b>	<b>CD01 Payments from Municipal or Trust Funds</b>		
<b>Delegation No:</b>	CD01		
<b>Delegation from:</b>	Council	<b>Delegation to:</b>	Chief Executive Officer
<b>Date Adopted:</b>	20 June 2018	<b>Last Reviewed:</b>	20/05/2020 (amendment)

This detail is provided as a reference only. Delegates shall only act in full understanding of the delegated legislative power, inclusive of conditions [refer below].

<b>Statutory Power to Delegate:</b>	<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
<b>Statutory Power Delegated:</b>	<i>Local Government (Financial Management) Regulations 1996</i> Regulation 12(1)(a) Payments from municipal fund or trust fund, restrictions on making.
<b>Function Delegated:</b>	Authority to: 1. Make payments from the municipal fund or trust fund [r12(1)(a)]
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. Authority is subject to the Local Government Act 1995 and its associated Regulations.</li> <li>2. The purchase of freehold land and real estate are to be by Council Resolution.</li> <li>3. Authority to make payments is subject to annual budget limitations.</li> <li>4. Verification of a payment and authorisation of the same payment cannot be undertaken by the same person.</li> <li>5. Subject to the following expenditure documentation requirements as prescribed within Council's Purchasing Policy.</li> <li>6. Procedures are to be administratively reviewed by the CEO for continuing compliance and confirmed as 'fit for purpose' in accordance with [r5(2)(c)] and [r5(1)] of the Local Government (Financial Management) Regulations 1996.</li> <li>7. Subject to the reporting of the exercise of this delegation to the Concept Forum each month.</li> </ol>

**Cross References (if any)**

<b>Policy:</b>	1.3.1 Purchasing Policy
<b>Procedure:</b>	Nil.
<b>Other Statutory:</b>	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i> Regulation 13 - Payments from municipal fund or trust fund by CEO, CEO's duties as to etc. <i>Local Government (Financial Management) Regulations 1996</i> refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

<b>Title:</b>	<b>CD02 Debts, Waivers, Concessions, Write Offs and Recovery</b>		
<b>Delegation No:</b>	CD02		
<b>Delegation from:</b>	Council	<b>Delegation to:</b>	Chief Executive Officer
<b>Date Adopted:</b>	15 April 2020	<b>Last Reviewed:</b>	20/05/2020 (no change)

This detail is provided as a reference only. Delegates shall only act in full understanding of the delegated legislative power, inclusive of conditions [refer below].

<b>Statutory Power to Delegate:</b>	<i>Local Government Act 1995</i> Section 5.42 - Delegation of some powers or duties to the CEO
<b>Statutory Power Delegated:</b>	<i>Local Government Act 1995</i> Section 6.12(1)(b) and (c) and (3) - Power to defer, grant discounts, waive or write off debts. Section 6.56- Rate or service charges recoverable in court
<b>Function Delegated:</b>	Authority to: <ol style="list-style-type: none"> <li>1. Waive a debt which is owed to the Shire of Mingenew [s6.12(1)(b)].</li> <li>2. Grant a concession in relation to money which is owed to the Shire of Mingenew [s6.12(3)].</li> <li>3. Write off an amount of money which is owed to the Shire of Mingenew [s6.12(1)(c)]</li> <li>4. Recover debts</li> </ol>
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. The power to waive or write off debt and grant a concession does not apply to debts which are prescribed as debts, that are taken to be a rate or service charge.</li> <li>2. A debt may only be waived where: <ol style="list-style-type: none"> <li>a) in accordance with the Supporting the Community Policy, a local club and/or not for profit organisation submit in writing, an application to conduct activities that support the Shire's Community Strategic Plan; and</li> <li>b) Does not exceed the value of \$1,000 per application and is subject to the confinements of the budgetary allocation as set by Council.</li> </ol> </li> <li>3. A concession may only be granted where: <ol style="list-style-type: none"> <li>a) In accordance with the Supporting the Community Policy a local club and/or not for profit organisation submit in writing, an application to conduct activities that support the Shire's Community Strategic Plan; and</li> <li>b) Does not exceed the value of \$1,000 per application and is subject to the confinements of the budgetary allocation as set by Council.</li> </ol> </li> <li>4. A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire of Mingenew.</li> <li>5. Limited to individual debts valued below \$100 or cumulative debts of a debtor valued below \$100. Write off of debts greater than these values must be referred for Council decision.</li> <li>6. Debt recovery is to be in accordance with the Shire's Internal Debt Recovery Policy and Procedures and subject to the provisions of the Local Government Act 1995.</li> <li>7. Subject to the reporting of the exercise of this delegation to the Concept Forum each month.</li> <li>8. * During a State-declared emergency, the CEO may waive, grant a concession or write off individual debts valued below \$500 or cumulative debts of a debtor valued below \$500 (excluding rates and rate interest), and, in the case of outstanding rates, waive or write off up to the value of the total interest on rates incurred in the current year, provided the applicant satisfies the definition of financial hardship in accordance with Council's Financial Hardship Policy. Debts greater than these values must be referred for Council decision.</li> </ol>
<b>Cross References (if any)</b>	

Shire of Mingenew – Part 3 Council Delegations to the Chief Executive Officer

<b>Policy:</b>	1.3.9 Debt Collection Policy
<b>Procedure:</b>	Nil.
<b>Other Statutory:</b>	<i>Local Government Act 1995</i> Section 6.12 - Power to defer, grant discounts, waive or write off debts <i>Local Government (Financial Management) Regulations 1996</i> Regulation 26 - Discount, incentive, concession, waiver

<b>Title:</b>	<b>CD03 Rates Recovery</b>		
<b>Delegation No:</b>	CD03		
<b>Delegation from:</b>	Council	<b>Delegation to:</b>	Chief Executive Officer
<b>Date Adopted:</b>	20 June 2018	<b>Last Reviewed:</b>	20/05/2020 (amended)

This detail is provided as a reference only. Delegates shall only act in full understanding of the delegated legislative power, inclusive of conditions [refer below].

<b>Statutory Power to Delegate:</b>	<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
<b>Statutory Power Delegated:</b>	<i>Local Government Act 1995</i> Section 6.49 - Agreement as to payment of rates and service charges Section 6.50 - Rates or service charges due and payable Section 6.56 - Rate or service charges recoverable in court Section 6.60 - Local Government may require lessee to pay rent Section 6.76 - Grounds of objection
<b>Function Delegated:</b>	Authority to: <ol style="list-style-type: none"> <li>1. Make an agreement with a person for the payment of rates or service charges [s6.49].</li> <li>2. Authority to determine the date on which rates or service charges become due and payable to the Shire of Mingenew [s.6.50].</li> <li>3. 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)].</li> <li>4. 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 Mingenew [s6.60(2)].</li> <li>5. 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 [s6.60(4)].</li> <li>6. Extend the time for a person to make an objection to a rate record [s6.76(4)].</li> <li>7. 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 [s6.76(5)].</li> </ol>
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. Agreements relating to s6.49 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, otherwise to be referred to Council for decision.</li> <li>2. 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.</li> <li>3. Subject to the reporting of the exercise of this delegation to the Concept Forum each month.</li> </ol>
<b>Cross References (if any)</b>	
<b>Policy:</b>	1.3.9 Debt Collection Policy 1.3.10 Financial Hardship Policy
<b>Procedure:</b>	1.3.9 Debt Collection Procedure
<b>Other Statutory:</b>	Nil.

<b>Title:</b>	<b>CD04 Expressions of Interest, Tenders and Tender Exempt Procurement</b>		
<b>Delegation No:</b>	CD04		
<b>Delegation from:</b>	Council	<b>Delegation to:</b>	Chief Executive Officer
<b>Date Adopted:</b>	20 June 2018	<b>Last Reviewed:</b>	20/05/2020 (amendment)

This detail is provided as a reference only. Delegates shall only act in full understanding of the delegated legislative power, inclusive of conditions [refer below].

<b>Statutory Power to Delegate:</b>	<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>
<b>Statutory Power Delegated:</b>	<p><i>Local Government Act 1995</i>  Section 3.57(1) - Tenders for providing goods or services  <i>Local Government (Functions &amp; General) Regulations 1996</i>  Regulations 11 - When tenders have to be publicly invited  Regulations 13 - Requirements when local government invites tenders though not required to do so.  Regulation 14 - Publicly inviting tenders  Regulation 18 - Rejecting and accepting tenders (note- is not delegation to award a tender)  Regulation 20 - Variation of requirements before entry into contract  Regulation 21A – Varying a Contract Regulation  Regulation 21(1) - Limiting who can tender  Regulation 23 - Rejecting and accepting expressions of interest to be an acceptable tenderer</p>
<b>Function Delegated:</b>	<ol style="list-style-type: none"> <li>1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&amp;G r21].</li> <li>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&amp;G r23].</li> <li>3. Authority to call tenders [F&amp;G r11(1)].</li> <li>4. 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&amp;G r11(f)].</li> <li>5. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is \$150,000 or less and the expense is included in the adopted Annual Budget [F&amp;G.r11(2)].</li> <li>6. Authority to invite tenders although not required to do so [F&amp;G r13].</li> <li>7. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&amp;G r14(2a)].</li> <li>8. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&amp;G r14(4)(a)].</li> <li>9. 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&amp;G r.14(5)].</li> <li>10. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&amp;G r18(4)].</li> <li>11. 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&amp;G r.18(2) and (4)].</li> <li>12. Authority to determine that a variation proposed is minor in context of the total</li> </ol>

	<p><i>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&amp;G r.20(1) and (3)].</i></p> <p>13. <i>Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&amp;G r18(4a)].</i></p> <p>14. <i>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&amp;G r20(2)]</i></p> <p>15. <i>Authority to:</i></p> <p style="padding-left: 20px;">a) <i>vary a contract that has been entered into with a successful tenderer, provided the variation does not change the scope of the original contract</i></p> <p style="padding-left: 20px;">b) <i>Exercise an extension option that was included in the original tender specification and contract in accordance with r11(2)(j). [F&amp;G r21A].</i></p> <p>16. <i>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&amp;G r18(6) &amp; (7)].</i></p>
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. Tenders may only be called 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:</li> <li>2. required to fulfil a routine contract related to the day the day operations of the Shire;</li> <li>3. current supply contract expiry is imminent;</li> <li>4. the value of the proposed contract has been included in the draft annual budget papers; and</li> <li>5. the tender specification includes a provision that the contract will be awarded subject to the budget adoption by Council.</li> <li>6. 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 \$150,000 or less and the expense is included in the adopted Annual Budget.</li> <li>7. This delegation is subject to Part 4 Division 2 of the Local Government (Functions &amp; General) Regulations 1996</li> <li>8. This delegation is to be carried out in accordance with Council's Purchasing Policy and internal Purchasing Procedures.</li> <li>9. Subject to the reporting of the exercise of this delegation to the Concept Forum each month.</li> </ol>
<b>Cross References (if any)</b>	
<b>Policy:</b>	1.3.1 Purchasing Policy
<b>Procedure:</b>	1.3.9 Debt Collection Policy
<b>Other Statutory:</b>	Nil.



<b>Title:</b>	<b>CD05 Disposal of Land (including Buildings) via Lease or License</b>		
<b>Delegation No:</b>	CD05		
<b>Delegation from:</b>	Council	<b>Delegation to:</b>	Chief Executive Officer
<b>Date Adopted:</b>	20 June 2018	<b>Last Reviewed:</b>	20/05/2020 (no change)

This detail is provided as a reference only. Delegates shall only act in full understanding of the delegated legislative power, inclusive of conditions [refer below].

<b>Statutory Power to Delegate:</b>	<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
<b>Statutory Power Delegated:</b>	<i>Local Government Act 1995</i> Section 3.58(2) and (3) - Disposing of property
<b>Function Delegated:</b>	<ol style="list-style-type: none"> <li>Authority to dispose of property to:                             <ol style="list-style-type: none"> <li>to the highest bidder at public auction [s.3.58(2)(a)].</li> <li>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 [s3.58(2)(b)]</li> </ol> </li> <li>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 [s3.58(3)]</li> </ol>
<b>Conditions</b>	<ol style="list-style-type: none"> <li>Disposal of land and/or property [exclusive of plant and equipment- see delegation CD11] other than by lease or license requires a Council resolution.</li> <li>All new leases for commercial organisations require a Council resolution [excludes renewal].</li> <li>Renewals of commercial organisations leases are limited to a maximum term of five years.</li> <li>Subject to the requirements of section 3.58 of the Local Government Act 1995.</li> <li>In the event an objecting submission is received this delegation does not apply and the proposal is to be presented to Council for consideration.</li> <li>Subject to the reporting of the exercise of this delegation to the Concept Forum each month.</li> </ol>
<b>Cross References (if any)</b>	
<b>Policy:</b>	Nil.
<b>Procedure:</b>	Nil.
<b>Other Statutory:</b>	Nil.

<b>Title:</b>	<b>CD06 Authorised Persons for the Purposes of the Local Government Act</b>		
<b>Delegation No:</b>	CD05		
<b>Delegation from:</b>	Council	<b>Delegation to:</b>	Chief Executive Officer
<b>Date Adopted:</b>	20 June 2018	<b>Last Reviewed:</b>	20/05/2020 (no change)

This detail is provided as a reference only. Delegates shall only act in full understanding of the delegated legislative power, inclusive of conditions [refer below].

<b>Statutory Power to Delegate:</b>	<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
<b>Statutory Power Delegated:</b>	<i>Local Government Act 1995</i> Section 3.24 - Authorising persons under this subdivision (Part 3, Division 3, Subdivision 2- Certain provisions about land) Section 3.39 - Power to remove and impound Section 9.10 - Appointment of authorised persons
<b>Function Delegated:</b>	Authority to: <ol style="list-style-type: none"> <li>1. Appoint persons or classes of persons as authorised persons for the purpose of fulfilling Part 3 Division 3 Subdivision 2 of the Local Government Act 1995 [s3.24];</li> <li>2. Authorise an employee in accordance with Section 3.39 to remove and impound any goods that are involved in a contravention that can lead to impounding;</li> <li>3. Appoint persons or classes of persons to be authorised to perform certain functions under Part 9 Division 2 and issue them with a certificate stating they are authorised [s9.10];</li> <li>4. Appoint and authorise persons to exercise the powers and duties of an authorised person under the Shire's local laws [s9.10].</li> </ol>
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. Only persons who are appropriately qualified and trained may be appointed as Authorised persons.</li> <li>2. Subject to the reporting of the exercise of this delegation to the Concept Forum each month.</li> </ol> <p><u>Recordkeeping.</u></p> <ol style="list-style-type: none"> <li>1. Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file.</li> <li>2. A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.</li> </ol>
<b>Cross References (if any)</b>	
<b>Policy:</b>	Nil.
<b>Procedure:</b>	Nil.
<b>Other Statutory:</b>	Register of Authorised Persons

<b>Title:</b>	<b>CD07 Reserves under Control of Local Government</b>		
<b>Delegation No:</b>	CD07		
<b>Delegation from:</b>	Council	<b>Delegation to:</b>	Chief Executive Officer
<b>Date Adopted:</b>	20 June 2018	<b>Last Reviewed:</b>	20/05/2020 (no change)

This detail is provided as a reference only. Delegates shall only act in full understanding of the delegated legislative power, inclusive of conditions [refer below].

<b>Statutory Power to Delegate:</b>	<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
<b>Statutory Power Delegated:</b>	<i>Local Government Act 1995</i> Section 3.53(3) Control of certain unvested facilities Section 3.54(1) Reserves under control of a local government
<b>Function Delegated:</b>	Authority to: <ol style="list-style-type: none"> <li>1. Authority to agree the method for control and management of an unvested facility [thoroughfare, bridge, jetty, drain or watercourse belonging to the Crown] which is partially within 2 or more local government districts. [s.3.53(3)].</li> <li>2. Authority to do anything for the purposes of controlling and management land that is vested in or under the management of the Shire, that the Shire could do under s.5 of the Parks and Reserves Act 1895. [s.3.54(1)].</li> </ol>
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. 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.</li> <li>2. Subject to the reporting of the exercise of this delegation to the Concept Forum each month.</li> </ol>
<b>Cross References (if any)</b>	
<b>Policy:</b>	Nil.
<b>Procedure:</b>	Nil.
<b>Other Statutory:</b>	Nil.

<b>Title:</b>	<b>CD08 Thoroughfares</b>		
<b>Delegation No:</b>	CD08		
<b>Delegation from:</b>	Council	<b>Delegation to:</b>	Chief Executive Officer
<b>Date Adopted:</b>	20 June 2018	<b>Last Reviewed:</b>	20/05/2020 (amended)

This detail is provided as a reference only. Delegates shall only act in full understanding of the delegated legislative power, inclusive of conditions [refer below].

<b>Statutory Power to Delegate:</b>	<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>
<b>Statutory Power Delegated:</b>	<p><i>Local Government (Uniform Provisions) Regulations 1996</i>  Regulation 5(2) - Interfering with, or taking from, local government land  Regulation 6 - Obstruction of public thoroughfare by things placed and left — Sch. 9.1 cl. 3(1)(a) [of the LGA].  Regulation 7A - Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b) [of the LGA].  Regulation 7 - Encroaching on public thoroughfare – Sch.9.1. cl.3(2) [of the LGA].  Regulation 9 - Permission to have gate across public thoroughfare — Sch.9.1 cl. 5(1) [of the LGA].  Regulation 11(1), (4), (6), (8) - Dangerous excavation in or near public thoroughfare — Sch. 9.1 cl. 6 [of the LGA].  Regulation 12(1) - Crossing from public thoroughfare to private land or private thoroughfare — Sch. 9.1 cl. 7(2)  Regulation 13(1) and (2) - Requirement to construct or repair crossing — Sch. 9.1 cl. 7(3)  Regulation 17 - Private works on, over, or under public places — Sch. 9.1 cl. 8</p>
<b>Function Delegated:</b>	<ol style="list-style-type: none"> <li>1. Grant permission, including imposing appropriate conditions, or to refuse to provide permission to place on a specified part of public thoroughfare one or more specified things that may obstruct the public thoroughfare [r6.4(2) and (4)]</li> <li>2. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [r.6.4(6)]</li> <li>3. Grant permission, including imposing appropriate conditions, or to refuse to provide permission for the placement and maintenance of a gate or other device across a public thoroughfare under control of the local government [r9(1) &amp; (4)].</li> <li>4. 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)].</li> <li>5. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [r9(5)].</li> <li>6. 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)].</li> <li>7. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [r.11(1)].</li> <li>8. Grant permission to make or make and leave an excavation of specified dimensions and in a specified way in a specified part of a public thoroughfare or on a specified part of land adjoining a public thoroughfare [r11(4)].</li> <li>9. Approve the construction of a crossing giving access from a public thoroughfare to private land or thoroughfare [r12(1)].</li> </ol>

Shire of Mingenew – Part 3 Council Delegations to the Chief Executive Officer

	<ol style="list-style-type: none"> <li>10. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [r12(1)(a)].</li> <li>11. Issue a notice to the owner or occupier of private land to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare [r13].</li> <li>12. 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 [r13(2)].</li> <li>13. 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 [r17(3)].</li> <li>14. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [r17(5)].</li> </ol>
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. Subject to the Local Government Act 1995 and its Regulations.</li> <li>2. Subject to the reporting of the exercise of this delegation to the Concept Forum each month.</li> <li>3. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.</li> <li>4. Each approval granted under r9 provided must be recorded in the Shire's statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8.</li> <li>5. Permission for r6, r11 and r17 are only to be granted where, the proponent has: <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• Provided evidence of sufficient Public Liability Insurance.</li> <li>• Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ul> </li> </ol>
<b>Cross References (if any)</b>	
<b>Policy:</b>	Nil.
<b>Procedure:</b>	Nil.
<b>Other Statutory:</b>	Nil.

<b>Title:</b>	<b>CD09 Closing of Thoroughfares</b>		
<b>Delegation No:</b>	CD09		
<b>Delegation from:</b>	Council	<b>Delegation to:</b>	Chief Executive Officer
<b>Date Adopted:</b>	20 June 2018	<b>Last Reviewed:</b>	20/05/2020 (no change)

This detail is provided as a reference only. Delegates shall only act in full understanding of the delegated legislative power, inclusive of conditions [refer below].

<b>Statutory Power to Delegate:</b>	<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
<b>Statutory Power Delegated:</b>	<i>Local Government Act 1995</i> Section 3.50- Closing certain thoroughfares to vehicles Section 3.50A- Partial closure of thoroughfares for repairs or maintenance Section 3.51- Affected owners to be notified of certain proposals (fixing or altering of levels or alignment, or draining water)
<b>Function Delegated:</b>	Authority to: <ol style="list-style-type: none"> <li>1. Close a thoroughfare managed by the Shire (wholly or partially) for a period of less than four weeks [s3.50(1)].</li> <li>2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to:                             <ol style="list-style-type: none"> <li>a) give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and</li> <li>b) consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)].</li> </ol> </li> <li>3. Authority to revoke an order to close a thoroughfare [s.3.50(6)].</li> <li>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]</li> </ol>
<b>Conditions</b>	<ol style="list-style-type: none"> <li>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)].</li> <li>2. Subject to the reporting of the exercise of this delegation to the Concept Forum each month.</li> </ol>
<b>Cross References (if any)</b>	
<b>Policy:</b>	1.5.2 Road Closure Policy
<b>Procedure:</b>	Nil.
<b>Other Statutory:</b>	Road Traffic Act 1974 s81C. Order for road closure for event, making s81D. Road closure, how effected by local government

<b>Title:</b>	<b>CD10 Powers of Entry</b>		
<b>Delegation No:</b>	CD10		
<b>Delegation from:</b>	Council	<b>Delegation to:</b>	Chief Executive Officer
<b>Date Adopted:</b>	20 June 2018	<b>Last Reviewed:</b>	20/05/2020 (no change)

This detail is provided as a reference only. Delegates shall only act in full understanding of the delegated legislative power, inclusive of conditions [refer below].

<b>Statutory Power to Delegate:</b>	<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
<b>Statutory Power Delegated:</b>	<i>Local Government Act 1995</i> Section 3.28 - When this Subdivision applies Section 3.32 - Notice of Entry Section 3.33 - Entry under Warrant Section 3.34 - Entry in an Emergency Section 3.36 - Opening Fences
<b>Function Delegated:</b>	Authority to: <ol style="list-style-type: none"> <li>1. Authority to exercise powers of enter to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law [s.3.28].</li> <li>2. Give a notice of entry [s3.32]</li> <li>3. Authority to seek and execute an entry under warrant [s.3.33].</li> <li>4. Execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)].</li> <li>5. Give notice and effect entry by opening a fence onto private land. [s.3.36]</li> </ol>
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. Delegated authority may only be used, where there is imminent or substantial risk to public safety or property.</li> <li>2. Section 3.36 is limited to those activities that expressly state such authority under Schedule 3.2 of the Local Government Act 1995.</li> <li>3. Entry under this delegation may be made with such assistants and equipment as are considered necessary for the purpose for which entry is required in accordance with s3.30 of the Local Government Act 1995.</li> <li>4. Delegation is subject to the provisions in Part 3 Division 3 Subdivision 3 of the Local Government Act 1995</li> <li>5. Subject to the reporting of the exercise of this delegation to the Concept Forum each month.</li> </ol>
<b>Cross References (if any)</b>	
<b>Policy:</b>	Nil.
<b>Procedure:</b>	Nil.
<b>Other Statutory:</b>	Local Government (Miscellaneous Provisions) Act 1960 Any applicable Local Laws

<b>Title:</b>	<b>CD11 Remove, Impound and Dispose of Uncollected Goods or Animals</b>		
<b>Delegation No:</b>	CD11		
<b>Delegation from:</b>	Council	<b>Delegation to:</b>	Chief Executive Officer
<b>Date Adopted:</b>	20 June 2018	<b>Last Reviewed:</b>	20/05/2020 (amended)

This detail is provided as a reference only. Delegates shall only act in full understanding of the delegated legislative power, inclusive of conditions [refer below].

<b>Statutory Power to Delegate:</b>	<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
<b>Statutory Power Delegated:</b>	<i>Local Government Act 1995</i> Section 3.40A - Abandoned vehicle wreck may be taken Section 3.46 - Goods may be within until costs paid Section 3.47 - Confiscated or uncollected goods, disposal of Section 3.47A- Sick or injured animals, disposal of Section 3.48 - Impounding expenses, recovery of Section 3.58 - Disposing of property
<b>Function Delegated:</b>	Authority to: <ol style="list-style-type: none"> <li>1. Authorise an abandoned wreck to be impounded [s3.40A].</li> <li>2. Authority to refuse to allow goods impounded under s.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]</li> <li>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].</li> <li>4. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].</li> <li>5. 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].</li> <li>6. Dispose of plant, equipment and material [3.58].</li> </ol>
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. Exercising of this delegation under s3.47A is only to be used where reasonable efforts have been made to identify and contact an owner have failed.</li> <li>2. 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.</li> <li>3. Disposal of goods, plant and equipment with a market value of less than \$20'000, may in accordance with r30(3) of <i>Local Government (Functions and General) Regulations 1996</i>, be disposed of by any means considered to provide best value, provided the process is transparent and accountable. Examples include- <ol style="list-style-type: none"> <li>a) Advertised for sale in a local newspaper; or</li> <li>b) Donated to suitable not for profit community groups or schools.</li> <li>c) Sold by public auction</li> <li>d) Offered for sale by public tender [r30]</li> </ol> </li> <li>4. Notwithstanding CD04 Expressions of Interest, Tenders and Tender Exempt Procurement, the CEO is authorised to call and except tenders to accommodate the disposal of goods under this delegation provided the total estimated value is below \$20,000.</li> </ol>
<b>Cross References (if any)</b>	
<b>Policy:</b>	1.3.1 Purchasing Policy



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<b>Procedure:</b>	Nil.
<b>Other Statutory:</b>	Local Laws (as applicable)

<b>Title:</b>	<b>CD12 Building Act 2011</b>		
<b>Delegation No:</b>	CD12		
<b>Delegation from:</b>	Council	<b>Delegation to:</b>	Chief Executive Officer
<b>Date Adopted:</b>	18 July 2018	<b>Last Reviewed:</b>	20/05/2020 (no change)

This detail is provided as a reference only. Delegates shall only act in full understanding of the delegated legislative power, inclusive of conditions [refer below].

<b>Statutory Power to Delegate:</b>	<i>Building Act 2011</i> Section 127 - Delegation: special permit authorities and local governments
<b>Statutory Power Delegated:</b>	<i>Building Act 2011</i> Section 18 - Further information Section 20 - Grant of building permit Section 21 - Grant of demolition permit Section 22 - Refusal of Permits Section 27(1)(3) - Conditions imposed by permit authority Section 55 - Further Information Section 58(1)(2)(3) - Grant of occupancy permit, building approval certificate Section 62(1), (3), (4) and (5) - Conditions imposed by permit authority Section 65(4) - Extension of period of duration Section 96(3), (5) and (6) - Authorised persons Section 99(3) - Limitation on powers of authorised persons Section 110 - Issue Building Orders Section 111 - Notice of proposed building order other than building order (emergency) Section 117 - Revoke Building Orders Section 118(2) - Permit authority may give effect to building order if non-compliance Section 131(2) - Inspection, copies of building records Section 145A - Local government functions  <i>Building Regulations 2012</i> Regulation 23 - Application to extend time during which the permit has effect (s32) Regulation 24 - Extension of time during which permit has effect (s32) Regulation 26 - Approval of new responsible person (35) Regulation 40 - Extension of period of duration of time limited occupancy permit or building approval certificate (s65) Regulation 51- Approvals by permit authority [Private Pool Barriers] Regulation 55 - Terms used (alternative building solution approval) Regulation 61 - Local Government approval of battery powered smoke alarms.
<b>Function Delegated:</b>	1. Appoint authorised persons: a) To administer the Building Act 2011 (the Building Act) and sign the certificate of appointment. b) Conduct duties as an authorised person pursuant to s96 of the Building Act: 2. Serve Notices: a) To stop unlawful work in accordance with s191 of the Building Act; b) Where a building is deemed to be in a dangerous state, cause it to be shored up or otherwise secured and a proper hoarding or fence to be put up for the protection of the public from danger, and shall cause written notice to be served on the owner or occupier, under s192 of the Building Act; c) On the owner or occupier of a neglected and/or dangerous building, to compel removal in accordance with the Building Act, [s192 & s193] d) On the owner or occupier of a dilapidated building, to compel renovation in accordance with s194 of the Building Act;

	<ul style="list-style-type: none"> <li>e) On the owner or occupier of an uncompleted building, in accordance with s195 of the Building Act.</li> </ul> <p>3. Permits:</p> <ul style="list-style-type: none"> <li>a) Approve or refuse a Building Permit [s20];</li> <li>b) Approve or refuse a Demolition Permit [s21]</li> <li>c) Impose, vary or revoke conditions on a building or demolition permit [s27]</li> <li>d) Extend the time during which a building or demolition permit has effect [s32(3), r24]</li> <li>e) Approve, modify or refuse to approve applications for Granting of an Occupancy Permit and Building Approval Certificate [s58].</li> <li>f) Approve, modify or refuse to approve applications for an extension of period of duration for a Occupancy Permit and Building Approval Certificate [s65]</li> </ul> <p>4. The authority to issue or revoke building orders under section 110 and 117 of the Building Act 2011.</p> <p>5. Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].</p>
<b>Conditions</b>	<p>1. Authorisation (1): Authorised Persons:</p> <ul style="list-style-type: none"> <li>a) Subject to person being employed by the authorising Local Government under s 5.36 of the LGA 1995, or appointed under contract or other agreement to the Shire of Mingenew.</li> <li>b) Appointed authorised person must hold a current authority card.</li> <li>c) An authorised person, shall on demand by the builder, owner or person apparently in charge thereof, produce his authority to so enter to the person demanding it.</li> </ul> <p>2. Authorisation (2): Serve Notices</p> <ul style="list-style-type: none"> <li>a) A notice under subsection (3)(III) must inform the person of the person's right of review under section 119.</li> </ul> <p>3. Authorisation (3): Permits are subject to:</p> <ul style="list-style-type: none"> <li>a) The provisions of the Building Act 2011 and Building Regulations 2012;</li> <li>b) Outbuildings not exceeding 75m<sup>2</sup> in area or 3m in height.</li> <li>c) Applicant being advised of objection and/or appeal rights.</li> </ul> <p>4. In undertaking the functions of these delegations, Building Surveyors must:</p> <ul style="list-style-type: none"> <li>a) Be employed by the Shire in accordance with s5.36 of the Local Government Act 1995 or appointed under contract or other agreement to the Shire of Mingenew.</li> <li>b) Hold the appropriate qualifications as set out under r.6 of the Building Services (Registration) Regulations 2011.</li> </ul> <p>5. Subject to the reporting of the exercise of this delegation to the Concept Forum each month.</p>
<b>Cross References (if any)</b>	
<b>Policy:</b>	Nil.
<b>Procedure:</b>	Nil.
<b>Other Statutory:</b>	<p>Building Act 2011</p> <ul style="list-style-type: none"> <li>1. Section 17- Uncertified application to be considered by building surveyor</li> <li>2. Section 23 - Time for deciding application for building or demolition permit</li> <li>3. Section 119 - Building and demolition permits- application review by SAT</li> <li>4. Section 59 - Time for granting occupancy permit or building approval certificate</li> <li>5. Section 60 - . Notice of decision not to grant occupancy permit or grant building approval certificate</li> </ul> <p>Building Regulations 2012 Building Code of Australia</p>



<b>Title:</b>	<b>CD13 Bush Fires Act 1954</b>		
<b>Delegation No:</b>	CD13		
<b>Delegation from:</b>	Council	<b>Delegation to:</b>	Chief Executive Officer
<b>Date Adopted:</b>	20 July 2018	<b>Last Reviewed:</b>	20/05/2020 (no change)

This detail is provided as a reference only. Delegates shall only act in full understanding of the delegated legislative power, inclusive of conditions [refer below].

<b>Statutory Power to Delegate:</b>	<p><i>Bush Fires Act 1954</i>                      Section 17(10) - Prohibited burning times                      Section 48 - Delegation by local governments                      Section 59(3) - Prosecution</p>
<b>Statutory Power Delegated:</b>	<p><i>Bush Fires Act 1954</i>                      Section 13(4) - Duties and powers of bush fire liaison officers                      Section 17(7) and (8) - Prohibited burning times may be declared by Minister                      Section 24F - Burning garden refuse during limited burning times                      Section 27 - Prohibition on use of tractors or engines except under certain conditions                      Section 33 - Local government may require occupier of land to plough or clear fire-break                      Section 36 - Local government may expend moneys in connection with control and extinguishment of bush fires                      Section 38 - Local government may appoint bush fire control officer                      Section 59A(2) and (5) - Alternative procedure – Infringement notices</p> <p><i>Bush Fire Regulations 1954:</i>                      Regulation 15- Permit to burn (Act s.18), form of and apply for after refusal etc.                      Regulation 39B- Crop dusters etc., use of in restricted or prohibited burning times</p>
<b>Function Delegated:</b>	<p>Authority to:</p> <ol style="list-style-type: none"> <li>1. Authority to request on behalf of the Shire of Mingenew that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s.13(4)].</li> <li>2. Vary the prohibited burning times in respect of that year in the district or a part of the district and give notice of the variation to any local government whose district adjoins that district [s17(7), s17(8)]</li> <li>3. Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)].</li> <li>4. Give notice in writing to an owner/occupier of land to plough, cultivate, scarify, burn or otherwise clear upon the land firebreaks [s33(1)]</li> <li>5. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)].</li> <li>6. At the request and expense of the landowner or occupier, authorise any such works for the removal or abatement of a fire danger [s33(6)]</li> <li>7. Purchase and maintain appliances, equipment, and apparatus for the prevention, control and extinguishment of bush fires [36(a)]</li> <li>8. Clear a street, road or reserve vested in the local government of bush and other inflammable material for the purpose of preventing the occurrence or spread of a bushfire [s36(b)]</li> <li>9. Establish and maintain bush fire brigades as a part of its organisation for the prevention control, and extinguishment of bush fires [s36(d)]</li> <li>10. Appoint bush fire control officers under and for the purposes of the Bush Fire Act 1954 and cause notice [s38(1) and s38(2)].</li> </ol>

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	<p>11. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)].</p> <p>12. Issue authorised bush fire control officers with a certificate of appointment [s38(2E)]</p> <p>13. Authority to serve an infringement notice for an offence against this Act [s.59A(2)].</p> <p>14. Authority to withdraw an infringement notice for an offence against this Act [s.59A(5)].</p>
<b>Conditions</b>	<p>1. The Chief Bush Fire Control Officer is delegated the below points only-</p> <p>a) Section 17(7)(8) is delegated to the President and the Chief Bush Fire Control Officer jointly and is subject to the provisions of section 17 of the Bush Fire Act 1954 (as per s17[10]).</p> <p>b) Section 27 is delegated to the Chief Bush Fire Officer and subject to local public notice in accordance with s27(3).</p> <p>c) Section 59A(2) [to serve an infringement notice for an offence against this Act] is delegated to the Chief Bush Fire Officer only.</p> <p>2. The CEO is delegated all provisions listed within the delegation with the exception of s17 and s59A(2).</p> <p>3. Subject to the reporting of the exercise of this delegation to the Concept Forum each month.</p>
<b>Cross References (if any)</b>	
<b>Policy:</b>	Nil.
<b>Procedure:</b>	Nil.
<b>Other Statutory:</b>	<p><i>Bush Fires Act 1954</i>  s 23(2)(a) - Burning during prohibited burning times- notice  s38(2) - Local government may appoint bush fire control officer - Notice  s38(2E) - Local government may appoint bush fire control officer - Certificate  <i>Bush Fires Regulations 1954</i>  <i>Bush Fires (Infringement) Regulations 1978</i></p>

<b>Title:</b>	<b>CD14 Dealing with and Approving Development Applications</b>		
<b>Delegation No:</b>	CD14		
<b>Delegation from:</b>	Council	<b>Delegation to:</b>	Chief Executive Officer
<b>Date Adopted:</b>	20 June 2018	<b>Last Reviewed:</b>	20/05/2020 (amended)

This detail is provided as a reference only. Delegates shall only act in full understanding of the delegated legislative power, inclusive of conditions [refer below].

Statutory Power to Delegate:	<p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 Part 10 cl.82 - Delegations by local government Schedule 2 Part 10 cl.83 - Local government CEO may delegate powers</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>															
Statutory Power Delegated:	<p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 Part 10 cl.83 Regulation 64 - Advertisement of approved amendment to local planning scheme</p>															
Function Delegated:	<p>Authority to:</p> <ol style="list-style-type: none"><li>1. Approve certain development applications in accordance with the conditions below.</li><li>2. Refer any development application for Council decision where the application may be contentious, or refusal of the application is recommended.</li><li>3. Give notice with regard to local planning scheme amendments [r.64]</li></ol>															
Conditions	<p>1. All development applications may be dealt with by the CEO if they satisfy the following land uses and development classes as defined under the Local Planning Scheme No.4 Zoning Table [pg. 12]:</p> <table><tr><th>Type</th><th>Description</th><th>Meaning</th></tr><tr><td>"P"</td><td>Permitted</td><td>means that the use is permitted if it complies with all relevant development standards and requirements of the Scheme</td></tr><tr><td>"I"</td><td>Incidental</td><td>means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with all relevant development standards and requirements of the Scheme</td></tr><tr><td>"D"</td><td>Discretionary</td><td>means that the use is not permitted unless the local government has exercised its discretion by granting development approval;</td></tr><tr><td>"A"</td><td>Advertising</td><td>means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions;</td></tr></table> <p><i>* approvals may be granted only where a sound assessment of the application has been undertaken to determine if legislative and Scheme requirements have been met.</i></p> <p>2. The delegation does not extend to "X" (Not permitted) or unidentifiable land uses and development classes as defined under the Local Planning Scheme No.4 Zoning Table, and are to be referred to Council;</p> <p>3. Subject to the reporting of the exercise of this delegation to the Concept Forum each month.</p>	Type	Description	Meaning	"P"	Permitted	means that the use is permitted if it complies with all relevant development standards and requirements of the Scheme	"I"	Incidental	means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with all relevant development standards and requirements of the Scheme	"D"	Discretionary	means that the use is not permitted unless the local government has exercised its discretion by granting development approval;	"A"	Advertising	means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions;
Type	Description	Meaning														
"P"	Permitted	means that the use is permitted if it complies with all relevant development standards and requirements of the Scheme														
"I"	Incidental	means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with all relevant development standards and requirements of the Scheme														
"D"	Discretionary	means that the use is not permitted unless the local government has exercised its discretion by granting development approval;														
"A"	Advertising	means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions;														

Shire of Mingenew – Part 3 Council Delegations to the Chief Executive Officer

Cross References (if any)	
Policy:	Nil.
Procedure:	Nil.
Other Statutory:	Shire of Mingenew Local Planning Scheme No. 4 Residential Design Codes of Western Australia Shire of Mingenew Local Planning Strategy Shire of Mingenew Townsite Local Planning Strategy Local Planning Policies



<b>Title:</b>	<b>CD15 Designated Authorised Officers - Public Health Act 2016</b>		
<b>Delegation No:</b>	CD15		
<b>Delegation from:</b>	Council	<b>Delegation to:</b>	Chief Executive Officer
<b>Date Adopted:</b>	20 June 2018	<b>Last Reviewed:</b>	20/05/2020 (amended)

This detail is provided as a reference only. Delegates shall only act in full understanding of the delegated legislative power, inclusive of conditions [refer below].

<b>Statutory Power to Delegate:</b>	<i>Public Health Act 2016</i> Section 21- Enforcement agency may delegate
<b>Statutory Power Delegated:</b>	<i>Public Health Act 2016</i> Section 24(1) and (3) - Designation of authorised officers Section 25 – Appropriate qualifications Section 26 – Power to revoke
<b>Function Delegated:</b>	Authority to: 1. Designate environmental health officers (either as a person or as a class of persons) to be authorised officers for the purposes of the <i>Public Health Act 2016</i> or another specified Act [s24] 2. Designate a qualified person (either as a person or as a class of persons) who is not an environmental health officer to be an authorised officer for the purposes of the <i>Public Health Act 2016</i> or another specified Act [s24] 3. Revoke a designation made to any person under the <i>Public Health Act 2016</i> or another specified Act [s26]
<b>Conditions</b>	1. Subject to the CEO being satisfied that a person or class of persons is adequately qualified and evidence of which is recorded and verified, in accordance with s25. 2. All designations and revocations are to be made in writing, in accordance with s26(2) of the <i>Public Health Act 2016</i> .
<b>Cross References (if any)</b>	
<b>Policy:</b>	Nil.
<b>Procedure:</b>	Nil.
<b>Other Statutory:</b>	Nil.

<b>Title:</b>	<b>CD16 Appoint Authorised Persons and Perform Certain Duties under the Food Act 2008</b>		
<b>Delegation No:</b>	CD16		
<b>Delegation from:</b>	Council	<b>Delegation to:</b>	Chief Executive Officer
<b>Date Adopted:</b>	20 June 2018	<b>Last Reviewed:</b>	20/05/2020 (amended)

This detail is provided as a reference only. Delegates shall only act in full understanding of the delegated legislative power, inclusive of conditions [refer below].

<b>Statutory Power to Delegate:</b>	<p><i>Food Act 2008</i></p> <p>Section 118(2)(b) - Local government (enforcement agency) may delegate a function conferred on it</p> <p>Section 118(3) - Delegation subject to conditions [s119] and guidelines adopted [s120]</p> <p>Section 118(4) - Sub-delegation only permissible if expressly provided in regulations.</p>
<b>Statutory Power Delegated:</b>	<p><i>Food Act 2008</i></p> <p>Section 65(1) - Prohibition Order</p> <p>Section 66 - Certificate of Clearance</p> <p>Section 67(4) - Request for Re-Inspection</p> <p>Section.110 - Registration of food business</p> <p>Section.112 - Variation of conditions or cancellation of registration of food businesses.</p> <p>Section 122(1) - Appointment of authorised officers</p> <p>Section 123 - Certificates of authority</p> <p>Section 126(6), (7) and (13) Infringement Officers</p> <p><i>Food Regulations 2009</i></p> <p>Regulation 51 – Enforcement agency may make list of food businesses publicly available</p>
<b>Function Delegated:</b>	<ol style="list-style-type: none"> <li>1. Appoint authorised persons to exercise the powers and duties set out in respect to the <i>Food Act 2008</i> [s122].</li> <li>2. Provide each authorised officer appointed by the Shire with a certificate of authority as an authorised officer [s123]</li> <li>3. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the <i>Public Health Act 2016</i>, to be a Designated Officer for the purposes of issuing Infringement Notices under the <i>Food Act 2008</i> [s.126(13)].</li> <li>4. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].</li> <li>5. Serve a Prohibition Order on the proprietor of a food business in accordance with s65 of the <i>Food Act 2008</i> [s65].</li> <li>6. Give a Certificate of Clearance, where inspection demonstrates compliance with a Prohibition Order and any Improvement Notices [s66].</li> <li>7. Give written notice to proprietor of a food business on whom a Prohibition Order has been served of the decision not to give a certificate of clearance after an inspection [s67(4)].</li> <li>8. Applications for registration of a food business in respect of any premises for the purposes of Part 9 of the <i>Food Act 2008</i> and issue a certificate of registration [s110(1)].</li> <li>9. After considering an application, to grant (with or without conditions) or refuse the application [s110(5)].</li> <li>10. To vary the conditions or cancel the registration of a food business in respect of any premises under Part 9 of the <i>Food Act 2008</i> [s112(1)].</li> <li>11. Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].</li> </ol>

Shire of Mingenew – Part 3 Council Delegations to the Chief Executive Officer

<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. The Environmental Health Officer <b>may only be delegated powers under</b> s65, s66, s67, s110 &amp; s112 only.</li> <li>2. The Chief Executive Officer is delegated all sections.</li> <li>3. Certificates of authority must be issued in accordance with section 123 of the <i>Food Act 2008</i>.</li> <li>4. Infringement notices must be issued in accordance with section 126 of the <i>Food Act 2008</i></li> <li>5. Appointment of authorised Officers is to be subject to s126(13) of the <i>Food Act 2008</i>.</li> <li>6. In accordance with s118(3)(b), section's 110 &amp; 112 are subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ol style="list-style-type: none"> <li>a) Food Act 2008</li> <li>b) Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA</li> <li>c) Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1</li> <li>d) WA Priority Classification System</li> <li>e) Verification of Food Safety Program Guideline</li> </ol> </li> <li>7. Subject to the reporting of the exercise of this delegation where the matter may be deemed of high public interest or contentious to the Concept Forum each month.</li> </ol>
<b>Cross References (if any)</b>	
<b>Policy:</b>	Nil.
<b>Procedure:</b>	Nil.
<b>Other Statutory:</b>	<p><i>Food Act 2008</i>  Section 122(3) required the Enforcement Agency to maintain a list of authorised officers appointed by the agency.  Section 123(1) requires the Enforcement Agency to provide each authorised officer with a certificate of authority as an authorised officer.</p> <p><i>Food Regulations 2009</i>  Dept of Health: Guideline on the Appointment of Authorised Officers as Meat Inspectors  Dept of Health: Guideline on the Appointment of Authorised Officers  Dept of Health: Guideline on the Appointment of Authorised Officers - Designated Officers only (section 126)  Dept of Health: Guideline on the Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an authorised officer  Department of Health: Food Act 2008 Regulatory Guideline No.1: Introduction of Regulatory Food Safety Auditing in WA  Department of Health: Food Unit Fact Sheet 8: Guide to Regulatory Guideline No.1  Department of Health: WA Priority Classification System  Department of Health: Food Act 2008 Verification of Food Safety Program Guideline</p>

<b>Title:</b>	CD17 Authorised Persons- Caravan Parks and Camping Grounds Act 1995 (Revoked 17/04/2020)		
<b>Delegation No:</b>	CD17		
<b>Delegation from:</b>	Council	<b>Delegation to:</b>	Chief Executive Officer
<b>Date Adopted:</b>	20 June 2018	<b>Last Revoked:</b>	17/04/2019
<b>Reason for revocation:</b>	Revoked as a delegation and created as an authorisation (power for CEO to perform duties and appoint authorised person already provided for within the <i>Caravan Parks and Camping Grounds Act 1995</i> )		

Shire of Mingenew – Part 3 Council Delegations to the Chief Executive Officer

<b>Title:</b>	<b>CD18 Certain Duties under the Dog Act 1976</b>		
<b>Delegation No:</b>	CD18		
<b>Delegation from:</b>	Council	<b>Delegation to:</b>	Chief Executive Officer
<b>Date Adopted:</b>	20 June 2018	<b>Last Reviewed:</b>	20/05/2020 (amended)

This detail is provided as a reference only. Delegates shall only act in full understanding of the delegated legislative power, inclusive of conditions [refer below].

<b>Statutory Power to Delegate:</b>	<i>Dog Act 1976</i> Section 10AA - Delegation of local government powers and duties Section 10AB – Register of, and review of, delegations
<b>Statutory Power Delegated:</b>	<i>Dog Act 1976</i> Section 11(1) - Staff and services Section 15(4A) - Discount or waive a registration fee Section 16(3) - Registration procedure Section 17A(2) - If no application for registration made Section 17(4) and (6) Refusal or cancellation of registration Section 29 - Power to seize dogs Section 33E - Individual dog may be declared to be dangerous dog (declared)
<b>Function Delegated:</b>	1. Authority to appoint Registration Officers to exercise the powers and duties conferred on a Registration Officer by this Act [s.3]. 2. Authority to appoint authorised persons to exercise the powers conferred on an authorised person by this Act [s.11(1)]. 3. The registration of dogs (s15-19) 4. Authority to discount or waive a registration fee (excluding the registration of a dangerous dog) 5. The management of dogs (s26, s29) 6. Commence enforcement proceedings (s44)
<b>Conditions</b>	1. Authorised officers are issued with a certificate of authority. 2. Powers to be used in accordance with the provisions of the Dog Act 1976 and Regulations 2013. 3. The CEO is authorised to sub-delegate any power conferred on the position by Council. 4. Any discount or waiver of a registration fee is authorised in writing 5. Subject to the reporting of the exercise of this delegation in relation to enforcement proceedings to the Concept Forum each month.
<b>Cross References (if any)</b>	
<b>Policy:</b>	Nil.
<b>Procedure:</b>	Nil.
<b>Other Statutory:</b>	Nil.

<b>Title:</b>	<b>CD19 Certain duties under the Cat Act 2011</b>		
<b>Delegation No:</b>	CD19		
<b>Delegation from:</b>	Council	<b>Delegation to:</b>	Chief Executive Officer
<b>Date Adopted:</b>	20 June 2018	<b>Last Reviewed:</b>	20/05/2020 (amended)

This detail is provided as a reference only. Delegates shall only act in full understanding of the delegated legislative power, inclusive of conditions [refer below].

<b>Statutory Power to Delegate:</b>	<i>Cat Act 2011</i> Section 44 - Delegation by local government Section 45 – Delegation by the CEO of local government Section 46 – Other matters relevant to delegations under this Division
<b>Statutory Power Delegated:</b>	<i>Cat Act 2011</i> Section 9 - Registration Section 10 - Cancellation of registration Section 11 - Registration numbers, certificates and tags Section 12 - Register of cats Section 26 - Cat control notice may be given to cat owner Section 34 – Dealing with unidentified and unclaimed cats Section 37 - Approval to breed cats Section 38 - Cancellation of approval to breed cats Section 39 - Certificate to be given to approved cat breeder Section 48 - Authorised persons  <i>Cat (Uniform Local Provisions) Regulations 2013:</i> Regulation 8 - Application to keep additional number of cats Regulation 9 - Grant of approval to keep additional number of cats
<b>Function Delegated:</b>	1. The registration of cats (s10-13) 2. Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire's District [s.26]. 3. The Management of cats (s26-40) 4. Appoint authorised officers for the purposes of the Cat Act 2011 (s48) 5. Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)]. 6. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9].
<b>Conditions</b>	1. Authorised officers are issued with a certificate of authority. 2. Notices must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the Cat Act 2011. 3. Subject to the provisions of the Cat Act 2011 and its associated regulations.
<b>Cross References (if any)</b>	
<b>Policy:</b>	Nil.
<b>Procedure:</b>	Nil.
<b>Other Statutory:</b>	<i>Cat Act 2011</i> Part 3 Division 4 Breeding of Cats

<b>Title:</b>	<b>CD20 Planning and Development Act – Illegal Development</b>		
<b>Delegation No:</b>	CD20		
<b>Delegation from:</b>	Council	<b>Delegation to:</b>	Chief Executive Officer
<b>Date Adopted:</b>	17 April 2019	<b>Last Reviewed:</b>	20/05/2020 (no change)

This detail is provided as a reference only. Delegates shall only act in full understanding of the delegated legislative power, inclusive of conditions [refer below].

<b>Statutory Power to Delegate:</b>	<i>Local Government Act 1995:</i> Section 5.42(b) - Delegation of some powers or duties to the CEO Section 5.43 - Limitations on delegations to the CEO
<b>Statutory Power Delegated:</b>	<i>Planning and Development Act 2005:</i> Section 214 – Illegal development, responsible authority's power as to
<b>Function Delegated:</b>	Authority to: <ol style="list-style-type: none"> <li>1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements;</li> <li>2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> <li>a) to remove, pull down, take up, or alter the development; and</li> <li>b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.</li> </ol> </li> <li>3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.</li> </ol>
<b>Conditions</b>	Subject to the reporting of the exercise of this delegation to the next practical Concept Forum.
<b>Cross References (if any)</b>	
<b>Policy:</b>	Nil.
<b>Procedure:</b>	Nil.
<b>Other Statutory:</b>	Shire of Mingenew Local Planning Scheme No. 4

<b>Title:</b>	<b>CD21 Road Traffic Code 2000 (Revoked 17/04/2020)</b>		
<b>Delegation No:</b>	CD21		
<b>Delegation from:</b>	Council	<b>Delegation to:</b>	Chief Executive Officer
<b>Date Adopted:</b>	20 June 2018	<b>Last Revoked:</b>	17/04/2019
<b>Reason for revocation:</b>	Revoked as this is a State Government delegation - Instrument of Authorisation from the Commissioner of Main Roads exists (See SD03 Road Traffic Code 2000 – Events)		



<b>Title:</b>	<b>CD22 Power to invest and manage investments</b>		
<b>Delegation No:</b>	CD22		
<b>Delegation from:</b>	Council	<b>Delegation to:</b>	Chief Executive Officer
<b>Date Adopted:</b>	17 April 2019	<b>Last Reviewed:</b>	20/05/2020 (no change)

This detail is provided as a reference only. Delegates shall only act in full understanding of the delegated legislative power, inclusive of conditions [refer below].

<b>Statutory Power to Delegate:</b>	<i>Local Government Act 1995:</i> Section 5.42(b) - Delegation of some powers or duties to the CEO Section 5.43 - Limitations on delegations to the CEO
<b>Statutory Power Delegated:</b>	<i>Local Government Act 1995:</i> Section 6.14 - Power to invest <i>Local Government (Financial Management) Regulations 1996:</i> Regulation 19 - Investments, control procedures for
<b>Function Delegated:</b>	Authority to: 1. 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. Establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].
<b>Conditions</b>	1. All investment activity must comply with the Financial Management Regulation 19C and Council Policy 1.3.3 Investment of Surplus Funds and 1.3.3 Investment of Surplus Funds Management Procedure. 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] 3. Subject to the reporting of the exercise of this delegation to the Concept Forum each month.
<b>Cross References (if any)</b>	
<b>Policy:</b>	1.3.1 Investment of Surplus Funds
<b>Procedure:</b>	1.3.1 Investment of Surplus Funds Management Procedure
<b>Other Statutory:</b>	Nil.

<b>Title:</b>	<b>CD23 Subdivision Applications</b>		
<b>Delegation No:</b>	CD23		
<b>Delegation from:</b>	Council	<b>Delegation to:</b>	Chief Executive Officer
<b>Date Adopted:</b>	20 May 2020	<b>Last Reviewed:</b>	N/A (New Delegation)

This detail is provided as a reference only. Delegates shall only act in full understanding of the delegated legislative power, inclusive of conditions [refer below].

<b>Statutory Power to Delegate:</b>	<i>Local Government Act 1995:</i> Section 5.42(b) - Delegation of some powers or duties to the CEO Section 5.43 - Limitations on delegations to the CEO
<b>Statutory Power Delegated:</b>	<i>Local Government Act 1995:</i> Section 6.14 - Power to invest <i>Planning and Development Act 2005:</i> Regulation 19 - Investments, control procedures for
<b>Function Delegated:</b>	Authority to: 1. Give advice to the Western Australian Planning Commission with regards to applications referred to the Shire, subject to the application being consistent with the Shire of Mingenew Local Planning Scheme No. 4, the Residential Design Codes of Western Australia, the Shire of Mingenew Local Planning Strategy, the Shire of Mingenew Townsite Local Planning Strategy, and adopted Local Planning Policies and any other strategies or policies adopted by Council in respect of the affected land and only in the circumstances set out below: <ol style="list-style-type: none"> <li>a) Applications proposing the amalgamation of existing lots without any other changes to the boundaries of any of the lots affected by the application.</li> <li>b) Applications affecting 'Residential' zoned land.</li> <li>c) Applications for boundary adjustments on other than 'Residential' zoned land where the total number of lots within the area affected by the application will not increase, the size of the smallest lot within the application area will not decrease by greater than 10%, there will be no increase in the number of lots below 100 hectares in size and the proposal represents a rationalisation of boundaries to ensure greater consistency with physical and/or cadastral boundaries.</li> <li>d) Applications consistent with an endorsed Subdivision Guide Plan or Structure Plan.</li> <li>e) Applications involving the creation of lots for the purposes of public or servicing authorities, where the application does not involve the creation of any new roads.</li> <li>f) Amended plans for applications that have been considered by Council within the last two years and the amendments are of a minor nature.</li> <li>g) Applications previously determined by Council where the Western Australian Planning Commission period of approval has expired (or will imminently expire) and a new application has been required to be lodged.</li> </ol> 2. Give advice to the Western Australian Planning Commission with regards to the clearance of conditions determined by the Commission and for which the local government is nominated as a clearance agency, subject to the application being consistent with the Shire of Mingenew Local Planning Scheme No. 4, the Residential Design Codes of Western Australia, the Shire of Mingenew Local Planning Strategy, the Shire of Mingenew Townsite Local Planning Strategy, and adopted Local Planning Policies and any other strategies or policies adopted by Council in respect of the affected land and only in the circumstances set out below:

Shire of Mingenew – Part 3 Council Delegations to the Chief Executive Officer

	<p>a) Where the Western Australian Planning Commission has not been advised in respect of any particular application pursuant to the delegations outlined in Clause 1.1 above, Council may, when giving consideration to the application identify any of the recommended conditions as being conditions that need to be referred to Council for consideration prior to clearing.</p> <p>b) Where clearance of conditions is to be determined pursuant to this clause and the applicant feels aggrieved by any decision of the delegated officer, the applicant may require that the matter be referred to Council for reconsideration. In such cases the applicant shall provide a written statement outlining the basis of their request for reconsideration. Unless otherwise agreed to by the delegated officer, such written statement shall be provided a minimum of 10 working days prior to the meeting at which the applicant wishes the matter to be reconsidered.</p> <p>3. Notwithstanding the above, any matter may be referred to Council for consideration where, in the opinion of the delegated officer, it is considered appropriate.</p> <p>4. A summary of decisions made pursuant to Clauses 1 &amp; 2 shall be reported at a Council Forum. For each decision made during the preceding calendar month/s, the summary shall identify; the WAPC reference number, the name/s of the proponents and owners, the particulars of the affected property, a short description of the proposal, the date of determination, whether the decision was made pursuant to Clause 1 or 2 and if the decision was made under a sub-delegation.</p>
<b>Conditions</b>	<p>1. All subdivision applications referred by the Western Australian Planning Commission that are not consistent with the Shire of Mingenew Local Planning Scheme No. 4, the Residential Design Codes of Western Australia, the Shire of Mingenew Local Planning Strategy, the Shire of Mingenew Townsite Local Planning Strategy, and adopted Local Planning Policies and any other strategies or policies adopted by Council in respect of the affected land and/or refusal of the application is recommended, shall be referred to Council for consideration.</p> <p>2. Subject to the reporting of the exercise of this delegation to the Concept Forum each month.</p>
<b>Cross References (if any)</b>	
<b>Policy:</b>	Nil.
<b>Procedure:</b>	Nil.
<b>Other Statutory:</b>	<p>Shire of Mingenew Local Planning Scheme No. 4</p> <p>Residential Design Codes of Western Australia</p> <p>Shire of Mingenew Local Planning Strategy</p> <p>Shire of Mingenew Townsite Local Planning Strategy</p> <p>Local Planning Policies</p>

## **PART 4**

### **Council / Chief Executive Officer Authorisations to Employees**

<b>Title:</b>	<b>CA1 Authorised Persons under the Caravan Parks and Camping Grounds Act 1995</b>		
<b>Authority No:</b>	CA1		
<b>Appointment from:</b>	Council Chief Executive Officer	<b>Authorisation to:</b>	Chief Executive Officer Environmental Health Officer
<b>Date Adopted:</b>	17 April 2019	<b>Last Reviewed:</b>	20/05/2020 (amended)

This detail is provided as a reference only. Delegates shall only act in full understanding of the delegated legislative power, inclusive of conditions [refer below].

<b>Statutory Power to appoint authorised persons:</b>	<i>Caravan Parks and Camping Grounds Act 1995</i> Section 17 - Appointment of authorised persons
<b>Statutory Power for authorisation:</b>	<i>Caravan Parks and Camping Grounds Act 1995</i> Section 23 – Infringement Notices
<b>Authority:</b>	Undertake the powers of an 'authorised person' as prescribed in the <i>Caravan Parks and Camping Grounds Act 1995</i> and the <i>Caravan Parks and Camping Grounds Regulations 1997</i> ;
<b>Conditions:</b>	<ol style="list-style-type: none"> <li>1. In the context of s23 the Environmental Health Officer is authorised to issue infringements under s23(2) only, as per s23(11) of the <i>Caravan Parks and Camping Grounds Act 1995</i>.</li> <li>2. In the context of s23, the CEO is authorised to modify or withdraw infringements in accordance with all other subsections of s23.</li> <li>3. An identity card be issued to each authorised person in accordance with s17.</li> </ol>
<b>Cross References (if any)</b>	
<b>Policy:</b>	Nil.
<b>Procedure:</b>	Nil.
<b>Evidence:</b>	Identity Card [s17]

Shire of Mingenew – Part 7 Summary of Officer Delegations and Authorisations  
**SUMMARY OF DELEGATIONS AND AUTHORISATIONS (CEO TO EMPLOYEES)**

Employee Title:	Delegation / Authorisation
Emergency Management & Ranger Services Officer	CEOD4 Disposal of Sick and Injured Animals CEOD8 Powers of Entry CEOD10 Confiscated or Uncollected Goods CEOD11 Certain Duties under the Dog Act 1976 CEOD12 Certain Duties under the Cat Act 2011 CEOA2 Authorised Persons under the Local Government Act 1995 CEOA7 Perform Certain Duties under the Cat Act 2011 CEOA8 Dog Act 1976 – Ranger Services
Rates & Finance Officer	CEOD3 Rates Recovery
Works Supervisor	CEOD5 Reserves under the Control of Local Government CEOD6 Thoroughfares CEOD7 Closing of Thoroughfares CEOD8 Powers of Entry CEOA1 Authority to Incur Liabilities
Chief Bush Fire Control Officer	CEOA4 Appointment under the Bush Fires Act 1954
Finance and Administration Manager	CEOD1 Payments from Municipal or Trust Funds CEOD3 Rates Recovery CEOA1 Authority to Incur Liabilities
Governance Officer	CEOD1 Payments from Municipal or Trust Funds CEOD15 Electoral Enrolment Eligibility Claims and Electoral Roll CEOA1 Authority to Incur Liabilities
Chief Executive Officer	CD01 Payments from Municipal or Trust Funds CD02 Debts, Waiver, Concessions, Write Offs and Recovery CD03 Rates Recovery CD04 Expressions of Interest, Tenders and Tender Exempt Procurement CD05 Disposal of Land (Including Buildings) Via Lease or License CD06 Authorised Persons for the Purposes of the Local Government Act 1995 CD07 Reserves under Control of the Local Government CD08 Thoroughfares CD09 Closing of Thoroughfares CD10 Powers of Entry CD11 Remove, Impound and Dispose of Uncollected Goods or Animals CD12 Building Act 2011 CD13 Bush Fire Act 1954 CD14 Dealing with and Approving Development Applications CD15 Designate Authorised Officers - Public Health Act 2016 CD16 Appoint Authorised Persons and Perform Certain Duties under the Food Act 2008 CD18 Certain Duties Under the Dog Act 1976 CD19 Certain Duties Under the Cat Act 2011 CD20 Planning and Development Act – Illegal Development CD22 Power to Invest and Manage Investments CD23 Subdivision Applications
Community Development Officer	CEOA1 Authority to Incur Liabilities
Customer Service Officer	CEOA1 Authority to Incur Liabilities
Environmental Health Officer (MOU)	CEOA3 Authorised Person – Public Health Act 2016 CEOA6 Perform Certain Duties under the Food Act 2008
CGG – Building Officers (MOU)	CEOA5 Building Act 2011
Volunteer Ranger	CEOA9 Voluntary Ranger Licence to Take Protected Fauna Causing Damage to Property