



Shire of Mingenew Register of Delegated Authority (NLM211586)

Shire of Mingenew – Delegations Register (NLM211586)

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Contents

SD01 Instruction of Authorisation – Sign Development Applications for Crown Land as Owner	6
SD02 WA Planning Commission – Powers of Local Governments - s.15 of the Strata Titles Act.....	9
SD03 Traffic Management - Events on Roads.....	10
SD04 Traffic Management – Road Works	11
SD05 Approval for Certain Local Government Vehicles as Special Use.....	12
SD52 Noise Control - Environmental Protection Notices [Reg.65(1)]	13
SD112 Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events.....	14
SD119 Noise Management Plans - Construction Sites.....	15
CDC01 Chief Executive Officer's Performance Appraisal.....	16
CDC02 Behaviour Complaints Committee.....	17
CD01 Payments from Municipal or Trust Funds	19
CD02 Debts, Waivers, Concessions, Write Offs and Recovery	20
CD03 Rates Recovery	22
<i>CD04 Expressions of Interest, Tenders and Tender Exempt Procurement</i>	24
CD05 Disposal of Land (including Buildings) via Lease or License	25
CD06 Authorised Persons for the Purposes of the Local Government Act.....	26
CD07 Reserves under Control of Local Government.....	27
CD08 Thoroughfares	28
CD09 Closing of Thoroughfares	30
CD10 Powers of Entry	31
CD11 Remove, Impound and Dispose of Uncollected Goods or Animals.....	32
CD12 Building and Demolition Permits.....	34
<i>CD13 Bush Fires Act 1954</i>	36
CD14 Dealing with and Approving Development Applications.....	37
CD15 Designated Authorised Officers - Public Health Act 2016.....	39
CD16 Appoint Authorised Persons and Perform Certain Duties under the - Food Act.....	41
CD17 Authorised Persons- Caravan Parks and Camping Grounds Act 1995 (Revoked 17/04/2020)	43
CD18 Certain Duties under the Dog Act 1976	44
CD19 Certain duties under the Cat Act 2011	46
CD20 Planning and Development Act – Illegal Development	48
CD21 Road Traffic Code 2000 (Revoked 17/04/2020)	49
CD22 Power to invest and manage investments	50
CD23 Subdivision Applications.....	51
CD24 Tenders for Goods and Services – Call for Tenders.....	53
CD25 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options.....	55
CD26 Tenders for Goods and Services – Exempt Procurement.....	57
CD27 Panels of Pre-Qualified Suppliers for Goods and Services.....	59

Shire of Mingenew – Delegations Register (NLM211586)	
CD28 Expressions of Interest for Goods and Services.....	61
CD29 Application of Regional Price Preference Policy.....	62
CD30 Crossing – Construction, Repair and Removal.....	63
CD31 Occupancy Permits and Building Approval Certificates.....	64
CD32 Designate Employees as Authorised Persons.....	65
CD33 Building Orders.....	66
CD34 Inspection and Copies of Building Records.....	68
CD35 Referrals and Issuing Certificates.....	69
CD36 Smoke Alarms – Alternative Solutions.....	70
CD37 Make Request to FES Commissioner – Control of Fire.....	71
CD38 Prohibited Burning Times – Control Activities.....	72
CD39 Restricted Burning Times – Vary and Control Activities.....	73
CD40 Burning Garden Refuse / Open Air Fires.....	75
CD41 Firebreaks.....	77
CD42 Recovery of Expenses Incurred through Contraventions of the Bush Fires Act.....	78
CA1 Authorised Persons under the Caravan Parks and Camping Grounds Act 1995.....	79
CA2 Prohibited Burning Times - Vary.....	80

Shire of Mingenew – Delegations Register (NLM211586)

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

Shire of Mingenew – Part 1 State Government Delegations

Title:	SD01 Instruction of Authorisation – Sign Development Applications for Crown Land as Owner		
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].

<p>Statutory Power Delegated :</p>	<p>DoL FILE 1738/2002v8; 858/2001v9</p> <p>PLANNING AND DEVELOPMENT ACT 2005</p> <p>INSTRUMENT OF AUTHORISATION</p> <p>I, Donald Terrence Redman MLA, 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 <i>2nd</i> day of <i>June</i> 2016</p>  <p>HON DONALD TERRENCE REDMAN MLA MINISTER FOR LANDS</p>
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Shire of Mingenew – Part 1 State Government Delegations

SCHEDULE		
This is the Schedule referred to in an Instrument of Authorisation relating to Development Applications under <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"> • 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 • 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 Building Regulations 2012 (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, <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 Bodington 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 Chitterling 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 Gosnell Shire of Halls Creek Shire of Harvey Shire of Irwin Shire of Jerramungup City of Joondalup Shire of Kalamunda City of Kalgoorlie-Boulder Shire of Katanning Shire of Kellerberrin Shire of Kent Shire of Kojanup 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 Mallee City of Meville Shire of Menzies Shire of Merredin Shire of Mingenew Shire of Morawa Shire of Morro Town of Mosman Park Shire of Mount Magnet Shire of Mt Marshall Shire of Mukinbudin Shire of Murchison 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>

Shire of Mingenew – Part 1 State Government Delegations

Shire of Nannup
Shire of Narembean
Shire of Narrogin
Town of Narrogin
City of Nedlands
Shire of Ngaanyatjaraku
Shire of Northam
Shire of Northampton
Shire of Nungarin
Shire of Peppermint Grove
Shire of Perenjori
City of Perth
Shire of Pingelly
Shire of Plantagenet
Town of Port Hedland
Shire of Qualradung
Shire of Ravensthorpe
City of Rockingham
Shire of Roebourne
Shire of Sandstone
Shire of Serpentine Jarrahdale
Shire of Shark Bay
City of South Perth
City of Stirling
City of Subiaco
City of Swan

Shire of Tammin
Shire of Three Springs
Shire of Toodyay
Shire of Trayning
Shire of Upper Gascoyne
Town of Victoria Park
Shire of Victoria Plains
Town of Vincent
Shire of Wagin
Shire of Wandering
City of Wanneroo
Shire of Waroona
Shire of West Arthur
Shire of Westonia
Shire of Wickpin
Shire of Williams
Shire of Wiluna
Shire of Wongan-Ballidu
Shire of Woodanilling
Shire of Wyalkatchem
Shire of Wyndham-East Kimberley
Shire of Yalgoo
Shire of Yilgarn
Shire of York



HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS

2nd day of June 2016

Shire of Mingenew – Part 1 State Government Delegations

Title:	SD02 WA Planning Commission – Powers of Local Governments - s.15 of the Strata Titles Act		
Delegation No:	SD02		
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:	822	GOVERNMENT GAZETTE, WA	27 March 2020
	<p>PL402</p> <p style="text-align: center;">PLANNING AND DEVELOPMENT ACT 2005 INSTRUMENT OF DELEGATION Del 2020/01 Powers of Local Governments</p> <p>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 15 of the <i>Strata Titles Act 1985</i>.</p> <p>Preamble</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>Resolution under section 16 of the Act (delegation)</p> <p>On 19 March 2020, 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 15 of the <i>Strata Titles Act 1985</i> as set out in clause 1 of Schedule 1, within their respective districts, subject to the conditions set out in clause 2 of Schedule 1;</p> <p>B. To declare that this instrument recording its resolution is to take effect upon the proclamation of the <i>Strata Titles Amendment Act 2018</i>.</p> <p style="text-align: right;">SAM FAGAN, Secretary, Western Australian Planning Commission.</p> <hr style="width: 10%; margin: auto;"/> <p style="text-align: center;">Schedule 1</p> <p>1. Applications made under section 15 of the <i>Strata Titles Act 1985</i></p> <p>Power to determine applications for the issuing of a certificate of approval under section 15 of the <i>Strata Titles Act 1985</i>, 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) propose the creation or postponement of a leasehold scheme;</p> <p>(d) 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 style="padding-left: 20px;">i. a type of development; and/or</p> <p style="padding-left: 20px;">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>2. Reporting requirements</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 Traffic Management - Events on Roads		
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].

<p>Statutory Power Delegated :</p>	<p style="text-align: center;">WESTERN AUSTRALIA ROAD TRAFFIC CODE 2000 REGULATION 297(2) INSTRUMENT OF AUTHORISATION</p> <p style="text-align: center;">RELATING TO TRAFFIC MANAGEMENT FOR EVENTS</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"> i) "event" subject to an order from the Commissioner of Police pursuant to Part VA of the <i>Road Traffic Act 1974</i>; 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 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>; <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"> (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 www.mainroads.wa.gov.au or by contacting Main Roads by phone; (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 (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. <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"> 1) any prior Instrument of Authorisation from the Commissioner of Main Roads for the purposes of undertaking traffic management for works on roads; and 2) any powers and responsibilities of a local government provided in regulation 9 of the <i>Road Traffic (Events on Roads) Regulations 1991</i>. <p style="text-align: right;">Page 1 of 2</p>
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Shire of Mingenew – Part 1 State Government Delegations


Title:	SD04 Traffic Management – Road Works		
Delegation No:	SD04		
Delegation from:	Main Roads WA	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;">WESTERN AUSTRALIA ROAD TRAFFIC CODE 2000 REGULATION 297(2) INSTRUMENT OF AUTHORISATION</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> <p>(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 www.mainroads.wa.gov.au or by contacting Main Roads by phone;</p> <p>(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</p> <p>(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.</p> <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 Approval for Certain Local Government Vehicles as Special Use		
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].

<p>Statutory Power Delegated:</p>	<div style="text-align: center;">  <p>Government of Western Australia Department of Transport Driver and Vehicle Services</p> </div> <p style="text-align: center;">ROAD TRAFFIC (VEHICLES) ACT 2012</p> <p style="text-align: center;"><i>Road Traffic (Vehicles) Regulations 2014</i></p> <p style="text-align: center;">RTVR-2017-202046</p> <p style="text-align: center;">APPROVAL UNDER REGULATION 327(4)(f) FOR CERTAIN LOCAL GOVERNMENT VEHICLES AS SPECIAL USE VEHICLES</p> <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> <ul style="list-style-type: none"> (a) the <i>Local Government Act 1995</i>; (b) regulations made under the <i>Local Government Act 1995</i>; (c) a local law; (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 (e) any combination of the above paragraphs (a) to (d); <p>as special use vehicles for the purposes of paragraph "f" of the definition of "special use vehicle" 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> <p style="text-align: center;">CONDITIONS</p> <ol style="list-style-type: none"> 1. Those lights must emit rotating, flashing yellow coloured light(s) and must not be a strobe light. 2. At least one flashing light shall be mounted on top of the vehicle and when lit, shall be visible in normal daylight up to a distance of not less than 200 metres to vehicles approaching from any direction. 3. No part of the lens of the flashing lights is visible either directly or indirectly to the driver when seated in the normal driving position. 4. If more than one flashing light is fitted, they must be placed symmetrically about the centre line of the vehicle or combination of vehicles. 5. An on/off switch for the flashing lights must be installed so as to be easily operated from the driver's seat. 6. Any additional equipment fitted to the vehicle must not interfere with the overall safe operation of the vehicle. 7. Any vehicle fitted with flashing lights for the purposes of this approval must:
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Title:	SD52 Noise Control - Environmental Protection Notices [Reg.65(1)]		
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:	Published by: Environment	GOVERNMENT GAZETTE Western Australia Previous Close Next	No. 47. 19-Mar-2004 Page: 919 Pdf - 476kb
	<p>EV401</p> <p style="text-align: center;">ENVIRONMENTAL PROTECTION ACT 1986 Section 20 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 9th 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>		

Shire of Mingenew – Part 1 State Government Delegations

Title:	SD112 Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events		
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 :	Published by: Environment	GOVERNMENT GAZETTE Western Australia Previous Close Next	No. 232. 20-Dec-2013 Page: 6282 Pdf - 3Mb
	<p>EV402</p> <p>ENVIRONMENTAL PROTECTION ACT 1986</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> <p>(a) waste collection and other works--noise management plans relating to specified works under regulation 14A or 14B;</p> <p>(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);</p> <p>(c) community activities--noise control notices in respect of community noise under regulation 16;</p> <p>(d) motor sport venues--noise management plans in relation to motor sport venues under Part 2 Division 3;</p> <p>(e) shooting venues--noise management plans in relation to shooting venues under Part 2 Division 4;</p> <p>(f) calibration results--requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;</p> <p>(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--</p> <p>(i) Subregulation 18(13)(b) is not delegated.</p> <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>		

Shire of Mingenew – Part 1 State Government Delegations

Title:	SD119 Noise Management Plans - Construction Sites		
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].

Statutory Power Delegated:	Published by: Environment	GOVERNMENT GAZETTE Western Australia Previous Close Next	No. 71. 16-May-2014 Page: 1548 Pdf - 2Mb
	<p>EV405</p> <p style="text-align: center;">ENVIRONMENTAL PROTECTION ACT 1986</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="padding-left: 40px;">(a) Chief Executive Officer under the <i>Local Government Act 1995</i>; and</p> <p style="padding-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>		

Shire of Mingenew – Part 2 Council Delegations to Committees

Title:	CDC01 Chief Executive Officer's Performance Appraisal		
Delegation No:	CDC01		
Delegation from:	Council	Delegation to:	Executive Management Committee
Date Adopted:	19 December 2018	Last Reviewed:	16/06/2021 (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].

Statutory Power to Delegate:	<i>Local Government Act 1995</i> Section 5.16 - Delegation of some powers and duties to certain committees
Statutory Power Delegated:	<i>Local Government Act 1995</i> Section 5.38- Annual review of certain employee's performances
Function Delegated:	Authority to: <ol style="list-style-type: none"> 1. Review the performance of the Chief Executive Officer at least once in relation to every year of employment
Conditions	<ol style="list-style-type: none"> 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
Cross References (if any)	
Policy:	Nil.
Procedure:	Nil.
Other Statutory:	<i>Local Government Act 1995</i> s5.17 - may not delegate powers/duties requiring absolute majority

Shire of Mingenew – Part 2 Council Delegations to Committees

Title:	CDC02 Behaviour Complaints Committee		
Delegation No:	CDC02		
Delegation from:	Council	Delegation to:	Behaviour Complaints Committee
Date Adopted:	19 May 2021	Last Reviewed:	N/A

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:	<i>Local Government Act 1995</i> Section 5.16 - Delegation of some powers and duties to certain committees
Statutory Power Delegated:	<i>Local Government (Model Code of Conduct) Regulations 2021</i> Clause 12 Dealing with a complaint Clause 13 Dismissal of a complaint
Function Delegated:	<ol style="list-style-type: none"> 1. Authority to make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [MCC.cl.12(1) and (3)]. In making any finding the Committee must also determine reasons for the finding [MCC.cl.12(7)]. 2. Where a finding is made that a breach has occurred, authority to: <ol style="list-style-type: none"> a. take no further action [MCC.cl.12(4(a)); or b. prepare and implement a plan to address the behaviour of the person to whom the complaint relates [MCC.cl.12(4)(b), (5) and (6)]. 3. Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal [MCC.cl.13(1) and (2)].
Conditions	<ol style="list-style-type: none"> a. The Committee will make decisions in accordance with the principles and specified requirements established in Council Policy 1.1.8 Code of Conduct Behaviour Complaints Management. b. That part of a Committee meeting which deals with a Complaint will be held behind closed doors in accordance with s.5.23(2)(b) of the Act. c. The Committee is prohibited from exercising this Delegation where a Committee Member in attendance at a Committee meeting is either the Complainant or Respondent to the Complaint subject of a Committee agenda item. d. In the event of (c) above, the Committee may resolve to defer consideration to a future meeting at which the conflicted Committee Member is absent and a Deputy Committee Member is in attendance. <p><u>NOTE TO CONDITIONS (C) AND (D):</u> The purpose of this Condition is to require that a Committee Member who is identified as either the Complainant or Respondent is required to recuse themselves by notifying the Presiding Member of their intention to be an apology for the meeting at which the Complaint is an agenda item.</p>
Cross References (if any)	
Policy:	Nil.

Shire of Mingenew – Part 2 Council Delegations to Committees

Procedure:	Nil.
Other Statutory:	Code of Conduct for Council Members, Committee Members and Candidates Code of Conduct Behaviour Complaints Management Policy

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

Title:	CD01 Payments from Municipal or Trust Funds		
Delegation No:	CD01		
Delegation from:	Council	Delegation to:	Chief Executive Officer
Date Adopted:	20 June 2018	Last Reviewed:	16/06/2021 (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].

Statutory Power to Delegate:	<i>Local Government Act 1995</i> s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Statutory Power Delegated:	<i>Local Government (Financial Management) Regulations 1996</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making.
Function Delegated:	Authority to: 1. Make payments from the municipal fund or trust fund [r12(1)(a)]
Conditions	<ol style="list-style-type: none"> 1. Authority is subject to the Local Government Act 1995 and its associated Regulations. 2. The purchase of freehold land and real estate are to be by Council Resolution. 3. Authority to make payments is subject to annual budget limitations. 4. Verification of a payment and authorisation of the same payment cannot be undertaken by the same person. 5. Subject to the following expenditure documentation requirements as prescribed within Council's Purchasing Policy. 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 <i>Local Government (Financial Management) Regulations 1996</i>.
Cross References (if any)	
Policy:	1.3.1 Purchasing Policy
Procedure:	Nil.
Other Statutory:	<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.

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

Title:	CD02 Debts, Waivers, Concessions, Write Offs and Recovery		
Delegation No:	CD02		
Delegation from:	Council	Delegation to:	Chief Executive Officer
Date Adopted:	15 April 2020	Last Reviewed:	16/06/2021 (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].

Statutory Power to Delegate:	<i>Local Government Act 1995</i> Section 5.42 - Delegation of some powers or duties to the CEO
Statutory Power Delegated:	<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
Function Delegated:	Authority to: <ol style="list-style-type: none"> 1. Waive a debt which is owed to the Shire of Mingenew [s6.12(1)(b)]. 2. Grant a concession in relation to money which is owed to the Shire of Mingenew [s6.12(3)]. 3. Write off an amount of money which is owed to the Shire of Mingenew [s6.12(1)(c)] 4. Recover debts
Conditions	<ol style="list-style-type: none"> 1. Debts for rates and service charges may be written off up to the value of \$30 in accordance with s6.12(1)(c) and applicable Council Policies and procedures. 2. The power to waive a debt or grant a concession does not apply to debts which are prescribed as debts, that are taken to be a rate or service charge. 3. A debt may only be waived where: <ol style="list-style-type: none"> 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 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. 4. A concession may only be granted where: <ol style="list-style-type: none"> 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 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. 5. 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. 6. 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.

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

	<p>7. 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.</p> <p>8. Subject to the reporting of the exercise of this delegation to the Concept Forum each month.</p> <p>9. * 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, 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.</p>
Cross References (if any)	
Policy:	1.3.9 Debt Collection Policy
Procedure:	Nil.
Other Statutory:	<p><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</p>

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

Title:	CD03 Rates Recovery		
Delegation No:	CD03		
Delegation from:	Council	Delegation to:	Chief Executive Officer
Date Adopted:	20 June 2018	Last Reviewed:	16/06/2021 (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].

Statutory Power to Delegate:	<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
Statutory Power Delegated:	<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
Function Delegated:	Authority to: <ol style="list-style-type: none"> 1. Make an agreement with a person for the payment of rates or service charges [s6.49]. 2. Authority to determine the date on which rates or service charges become due and payable to the Shire of Mingenew [s.6.50]. 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)]. 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)]. 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)]. 6. Extend the time for a person to make an objection to a rate record [s6.76(4)]. 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)].
Conditions	<ol style="list-style-type: none"> 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. 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. 3. Subject to the reporting of the exercise of this delegation to the Concept Forum each month.
Cross References (if any)	
Policy:	1.3.9 Debt Collection Policy 1.3.10 Financial Hardship Policy
Procedure:	1.3.9 Debt Collection Procedure

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

Other Statutory:	Nil.
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Shire of Mingenew – Part 3 Council Delegations to the Chief Executive Officer

Title:	<i>CD04 Expressions of Interest, Tenders and Tender Exempt Procurement</i>		
Delegation No:	CD04		
Delegation from:	Council	Delegation to:	Chief Executive Officer
Date Adopted:	20 June 2018	Revoked	19/05/2021
Reason for revocation:	CD04 covered a number of tender functions and it was considered appropriate to separate those to individual delegations. Delegations CD24 – CD28 replace the requirement for this delegation.		

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

Title:	CD05 Disposal of Land (including Buildings) via Lease or License		
Delegation No:	CD05		
Delegation from:	Council	Delegation to:	Chief Executive Officer
Date Adopted:	20 June 2018	Last Reviewed:	16/06/2021 (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].

Statutory Power to Delegate:	<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
Statutory Power Delegated:	<i>Local Government Act 1995</i> Section 3.58(2) and (3) - Disposing of property
Function Delegated:	<ol style="list-style-type: none"> 1. Authority to dispose of property to: <ol style="list-style-type: none"> a) to the highest bidder at public auction [s.3.58(2)(a)]. b) to the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tenders [s3.58(2)(b)] 2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s3.58(3)]
Conditions	<ol style="list-style-type: none"> a) Disposal of land and/or property [exclusive of plant and equipment- see delegation CD11] other than by lease or license requires a Council resolution. b) All new leases for commercial organisations require a Council resolution [excludes renewal]. c) Renewals of commercial organisations leases are limited to a maximum term of five years. d) Subject to the requirements of section 3.58 of the Local Government Act 1995. e) In the event an objecting submission is received this delegation does not apply and the proposal is to be presented to Council for consideration. f) Subject to the reporting of the exercise of this delegation to the Concept Forum each month.
Cross References (if any)	
Policy:	Nil.
Procedure:	Nil.
Other Statutory:	Nil.

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

Title:	CD06 Authorised Persons for the Purposes of the Local Government Act		
Delegation No:	CD05		
Delegation from:	Council	Delegation to:	Chief Executive Officer
Date Adopted:	20 June 2018	Last Reviewed:	16/06/2021 (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].

Statutory Power to Delegate:	<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
Statutory Power Delegated:	<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
Function Delegated:	Authority to: <ol style="list-style-type: none"> 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]; 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; 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]; 4. Appoint and authorise persons to exercise the powers and duties of an authorised person under the Shire's local laws [s9.10].
Conditions	<ol style="list-style-type: none"> a) Only persons who are appropriately qualified and trained may be appointed as Authorised persons. b) Subject to the reporting of the exercise of this delegation to the Concept Forum each month. <p><u>Recordkeeping.</u></p> <ol style="list-style-type: none"> 1. Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file. 2. A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.
Cross References (if any)	
Policy:	Nil.
Procedure:	Nil.
Other Statutory:	Register of Authorised Persons

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

Title:	CD07 Reserves under Control of Local Government		
Delegation No:	CD07		
Delegation from:	Council	Delegation to:	Chief Executive Officer
Date Adopted:	20 June 2018	Last Reviewed:	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].

Statutory Power to Delegate:	<i>Local Government Act 1995</i> s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Statutory Power Delegated:	<i>Local Government Act 1995</i> s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of a local government
Function Delegated:	<ol style="list-style-type: none"> 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)]. 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)].
Conditions	<ol style="list-style-type: none"> a) Limited to matters where the financial implications do not exceed a relevant and current budget allocation, and which do not create a financial liability in future budgets. b) Subject to the reporting of the exercise of this delegation to the Concept Forum each month.
Cross References (if any)	
Policy:	Nil.
Procedure:	Nil.
Other Statutory:	Nil.

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

Title:	CD08 Thoroughfares		
Delegation No:	CD08		
Delegation from:	Council	Delegation to:	Chief Executive Officer
Date Adopted:	20 June 2018	Last Reviewed:	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>Local Government Act 1995</i> s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO</p>
Statutory Power Delegated:	<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].</p>
Function Delegated:	<ol style="list-style-type: none"> 1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: <ol style="list-style-type: none"> a. prevent damage to the footpath; or b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)]. 2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)]. 3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)]. 4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A]. 5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7]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 [r.6.4(2) and (4)] 6. Grant permission, including imposing appropriate conditions, or to refuse to provide permission for the placement and maintenance of a gate or other

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

	<p>device across a public thoroughfare under control of the local government [r9(1) & (4)].</p> <p>7. 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)].</p> <p>8. 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)].</p> <p>9. 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)].</p> <p>10. 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)].</p> <p>11. 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)].</p> <p>12. 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)].</p> <p>13. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [r17(5)(6)].</p>
Conditions	<p>a) Subject to the Local Government Act 1995 and its Regulations.</p> <p>b) Subject to the reporting of the exercise of this delegation to the Concept Forum each month.</p> <p>c) Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.</p> <p>d) Permission may only be granted where, the proponent has:</p> <ul style="list-style-type: none"> i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Cross References (if any)	
Policy:	Nil.
Procedure:	Nil.
Other Statutory:	Nil.

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

Title:	CD09 Closing of Thoroughfares		
Delegation No:	CD09		
Delegation from:	Council	Delegation to:	Chief Executive Officer
Date Adopted:	20 June 2018	Last Reviewed:	16/06/2021 (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:	<i>Local Government Act 1995</i> s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Statutory Power Delegated:	<i>Local Government Act 1995</i> s.3.50- Closing certain thoroughfares to vehicles s.3.50A- Partial closure of thoroughfares for repairs or maintenance s.3.51- Affected owners to be notified of certain proposals (fixing or altering of levels or alignment, or draining water)
Function Delegated:	Authority to: <ol style="list-style-type: none"> 1. Close a thoroughfare managed by the Shire (wholly or partially) for a period of less than four weeks [s3.50(1)]. 2. Determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: <ol style="list-style-type: none"> a) give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and b) consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)]. 3. Revoke an order to close a thoroughfare [s.3.50(6)]. 4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A] 5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s3.51].
Conditions	<ol style="list-style-type: none"> a) If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)]. b) Subject to the reporting of the exercise of this delegation to the Concept Forum each month.
Cross References (if any)	
Policy:	1.5.2 Road Closure Policy
Procedure:	Nil.
Other Statutory:	Road Traffic Act 1974 s81C. Order for road closure for event, making s81D. Road closure, how effected by local government

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

Title:	CD10 Powers of Entry		
Delegation No:	CD10		
Delegation from:	Council	Delegation to:	Chief Executive Officer
Date Adopted:	20 June 2018	Last Reviewed:	16/06/2021 (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:	<i>Local Government Act 1995</i> s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Statutory Power Delegated:	<i>Local Government Act 1995</i> s.3.28 - When this Subdivision applies s.3.32 - Notice of Entry s.3.33 - Entry under Warrant s.3.34 - Entry in an Emergency s.3.36 - Opening Fences
Function Delegated:	Authority to: 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]. 2. Give a notice of entry [s.3.32] 3. Authority to seek and execute an entry under warrant [s.3.33]. 4. Execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]. 5. Give notice and effect entry by opening a fence onto private land. [s.3.36]
Conditions	a) Delegated authority under s3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property. b) Subject to the reporting of the exercise of this delegation to the Concept Forum each month.
Cross References (if any)	
Policy:	Nil.
Procedure:	Nil.
Other Statutory:	Local Government (Miscellaneous Provisions) Act 1960 Any applicable Local Laws

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

Title:	CD11 Remove, Impound and Dispose of Uncollected Goods or Animals		
Delegation No:	CD11		
Delegation from:	Council	Delegation to:	Chief Executive Officer
Date Adopted:	20 June 2018	Last Reviewed:	16/06/2021 (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:	<i>Local Government Act 1995</i> s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Statutory Power Delegated:	<i>Local Government Act 1995</i> s.3.40A - Abandoned vehicle wreck may be taken s.3.40A(4) – Abandoned vehicle wreck may be taken s.3.46 - Goods may be within until costs paid s.3.47 - Confiscated or uncollected goods, disposal of s.3.47A- Sick or injured animals, disposal of s.3.48 - Impounding expenses, recovery of s.3.58 - Disposing of property
Function Delegated:	Authority to: <ol style="list-style-type: none"> 1. Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)] 2. Authorise an abandoned wreck to be impounded [s3.40A]. 3. 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] 4. 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]. 5. Determine when an impounded animal is ill or injured, that treating it is not practical, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)]. 6. Recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48]. 7. 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 [s3.47A]. 8. Dispose of plant, equipment and material [3.58].
Conditions	<ol style="list-style-type: none"> a) 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. b) 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. c) 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-

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

	<ul style="list-style-type: none"> i. Advertised for sale in a local newspaper; or ii. Donated to suitable not for profit community groups or schools. iii. Sold by public auction iv. Offered for sale by public tender [r30] <p>d) 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.</p>
Cross References (if any)	
Policy:	1.3.1 Purchasing Policy
Procedure:	Nil.
Other Statutory:	Local Laws (as applicable)

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

Title:	CD12 Building and Demolition Permits		
Delegation No:	CD12		
Delegation from:	Council	Delegation to:	Chief Executive Officer
Date Adopted:	18 July 2018	Last Reviewed:	16/06/2021 (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:	<i>Building Act 2011</i> s.127 - Delegation: special permit authorities and local governments
Statutory Power Delegated:	<i>Building Act 2011</i> s.18 - Further information s.20 - Grant of building permit s.21 - Grant of demolition permit s.22 - Refusal of Permits s.27(1)(3) - Conditions imposed by permit authority <i>Building Regulations 2012</i> r.23 - Application to extend time during which the permit has effect (s32) r.24 - Extension of time during which permit has effect (s32) r.26 - Approval of new responsible person (35)
Function Delegated:	<ol style="list-style-type: none"> 1. Appoint authorised persons: <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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; e) On the owner or occupier of an uncompleted building, in accordance with s195 of the Building Act. 3. Permits: <ol style="list-style-type: none"> a) Authority to require an applicant to provide any documentation or information required to determine a building or demolition permit application [s.18(1)] b) Authority to grant or refuse to grant a Building Permit [s20] c) Approve or refuse a Demolition Permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) & (2) and s.22]; d) Impose, vary or revoke conditions on a building or demolition permit [s27(1) and (3)] e) Extend the time during which a building or demolition permit has effect [s32(3), r24]

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

	<ul style="list-style-type: none"> i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)]. <ul style="list-style-type: none"> f) Approve, modify or refuse to approve applications for Granting of an Occupancy Permit and Building Approval Certificate [s58]. g) Approve, modify or refuse to approve applications for an extension of period of duration for a Occupancy Permit and Building Approval Certificate [s65] <ul style="list-style-type: none"> 4. The authority to issue or revoke building orders under section 110 and 117 of the Building Act 2011. 5. Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].
Conditions	<ul style="list-style-type: none"> a) Authorisation (1): Authorised Persons: <ul style="list-style-type: none"> i. 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. ii. Appointed authorised person must hold a current authority card. iii. 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. b) Authorisation (2): Serve Notices <ul style="list-style-type: none"> i. A notice under subsection (3)(III) must inform the person of the person's right of review under section 119. c) Authorisation (3): Permits are subject to: <ul style="list-style-type: none"> i. The provisions of the Building Act 2011 and Building Regulations 2012; ii. Outbuildings not exceeding 75m² in area or 3m in height. iii. Applicant being advised of objection and/or appeal rights. d) In undertaking the functions of these delegations, Building Surveyors must: <ul style="list-style-type: none"> i. 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. ii. Hold the appropriate qualifications as set out under r.6 of the Building Services (Registration) Regulations 2011. e) Subject to the reporting of the exercise of this delegation to the Concept Forum each month.
Cross References (if any)	
Policy:	Nil.
Procedure:	Nil.
Other Statutory:	<p>Building Act 2011 Section 17- Uncertified application to be considered by building surveyor Section 23 - Time for deciding application for building or demolition permit Section 119 - Building and demolition permits- application review by SAT Section 59 - Time for granting occupancy permit or building approval certificate Section 60 - . Notice of decision not to grant occupancy permit or grant building approval certificate Building Regulations 2012 Building Code of Australia</p>

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

Title:	<i>CD13 Bush Fires Act 1954</i>		
Delegation No:	CD13		
Delegation from:	Council	Delegation to:	Chief Executive Officer
Date Adopted:	20 July 2018	Revoked:	16/06/2021
Reason for revocation:	CD13 covered a number of functions under the Bush Fires Act 1954 and it was considered appropriate to separate those to individual delegations. Delegations CD37 – CD42 replace the requirement for this delegation.		

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

Title:	CD14 Dealing with and Approving Development Applications		
Delegation No:	CD14		
Delegation from:	Council	Delegation to:	Chief Executive Officer
Date Adopted:	20 June 2018	Last Reviewed:	16/06/2021 (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].

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> s.5.42 - Delegation of some powers or duties to the CEO s.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"> 1. Approve certain development applications in accordance with the conditions below. 2. Refer any development application for Council decision where the application may be contentious, or refusal of the application is recommended. 3. Give notice with regard to local planning scheme amendments [r.64] 																	
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 border="1" style="width: 100%;"> <thead> <tr> <th>Type</th> <th>Description</th> <th>Meaning</th> </tr> </thead> <tbody> <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> </tbody> </table> <p>* 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.</p> <p>2. The delegation does not extend to "X" (Not permitted) or unidentifiable land</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;
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Shire of Mingenew – Part 3 Council Delegations to the Chief Executive Officer

	<p>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>
Cross References (if any)	
Policy:	Nil.
Procedure:	Nil.
Other Statutory:	<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>

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

Title:	CD15 Designated Authorised Officers - Public Health Act 2016		
Delegation No:	CD15		
Delegation from:	Council	Delegation to:	Chief Executive Officer
Date Adopted:	20 June 2018	Last Reviewed:	16/06/2021 (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:	<i>Public Health Act 2016</i> s.21- Enforcement agency may delegate
Statutory Power Delegated:	<i>Public Health Act 2016</i> s.24(1) and (3) - Designation of authorised officers s.25 – Appropriate qualifications s.26 – Power to revoke
Function Delegated:	<p>1. Authority to designate a person or class of persons as authorised officers for the purposes of:</p> <ul style="list-style-type: none"> i. The Public Health Act 2016 or other specified Act ii. Specified provisions of the Public Health Act 2016 or other specified Act iii. Provisions of the Public Health Act 2016 or another specified Act, other than the specified provisions of that Act. <p>Including:</p> <ul style="list-style-type: none"> a. an environmental health officer or environmental health officers as a class; OR b. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR c. a mixture of the two. [s.24(1) and (3)]. <p>2. Revoke a designation made to any person under the <i>Public Health Act 2016</i> or another specified Act [s26]</p>
Conditions	<p>a) 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.</p> <p>b) All designations and revocations are to be made in writing, in accordance with s26(2) of the <i>Public Health Act 2016</i>.</p> <p>c) A Register (list) of authorised officers is to be maintained in accordance with s.27.</p>
Cross References (if any)	
Policy:	Nil.
Procedure:	Nil.
Other Statutory:	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies. s.25 Certain authorised officers required to have qualifications and experience. s.26 Further provisions relating to designations s.27 Lists of authorised officers to be maintained s.28 When designation as authorised officer ceases s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers s.30 Certificates of authority

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

	<p>s.31 Issuing and production of certificate of authority for purposes of other written laws</p> <p>s.32 Certificate of authority to be returned.</p> <p>s.136 Authorised officer to produce evidence of authority</p> <p>Criminal Investigation Act 2006, Parts 6 and 13 – refer s.245 of the Public Health Act 2016</p> <p>The Criminal Code, Chapter XXVI – refer s.252 of the Public Health Act 2016</p>
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Shire of Mingenew – Part 3 Council Delegations to the Chief Executive Officer

Title:	CD16 Perform Certain Duties under the - Food Act		
Delegation No:	CD16		
Delegation from:	Council	Delegation to:	Chief Executive Officer
Date Adopted:	20 June 2018	Last Reviewed:	16/06/2021 (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>Food Act 2008</i></p> <p>s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations</p>
Statutory Power Delegated:	<p><i>Food Act 2008</i></p> <p>s.65(1) - Prohibition Order s.66 - Certificate of Clearance s.67(4) - Request for re-inspection s.110(1) and (5) - Registration of food business s.112 - Variation of conditions or cancellation of registration of food businesses. s.122(1) - Appointment of authorised officers s.123 - Certificates of authority s.126(6), (7) and (13) Infringement Officers</p> <p><i>Food Regulations 2009</i></p> <p>r.51 – Enforcement agency may make list of food businesses publicly available</p>
Function Delegated:	<ol style="list-style-type: none"> 1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)]. 2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66]. 3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)]. 4. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)]. 5. Authority to vary the conditions or cancel the registration of a food business [s.112]. 6. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(2)]. 7. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the Public Health Act 2016, to be a Designated Officer for the purposes of issuing Infringement Notices under the Food Act 2008 [s.126(13)]. 8. 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)].

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

<p>Conditions</p>	<ol style="list-style-type: none"> 1. In accordance with s.118(3)(b), delegations regarding prohibition orders are subject to relevant Department of Health CEO Guidelines, as amended from time to time. 2. In accordance with s.118(3)(b), delegations relating to food business registrations are subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ul style="list-style-type: none"> • Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA • Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1 • WA Priority Classification System • Verification of Food Safety Program Guideline c) In accordance with s.118(3)(b), the delegation relating to authorised persons is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ul style="list-style-type: none"> • Appointment of Authorised Officers as Meat Inspectors • Appointment of Authorised Officers • Appointment of Authorised Officers – Designated Officers only • Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer d) All authorised officers appointed must hold a Certificate of Authority [s.123(1)] e) A list of appointed persons must be maintained in a register
<p>Cross References (if any)</p>	
<p>Policy:</p>	<p>Nil.</p>
<p>Procedure:</p>	<p>Nil.</p>
<p>Other Statutory:</p>	<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</p> <p>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>

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

Title:	CD17 Authorised Persons- Caravan Parks and Camping Grounds Act 1995 (Revoked 17/04/2020)		
Delegation No:	CD17		
Delegation from:	Council	Delegation to:	Chief Executive Officer
Date Adopted:	20 June 2018	Last Revoked:	17/04/2019
Reason for revocation:	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

Title:	CD18 Certain Duties under the Dog Act 1976		
Delegation No:	CD18		
Delegation from:	Council	Delegation to:	Chief Executive Officer
Date Adopted:	20 June 2018	Last Reviewed:	16/06/2021 (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:	<i>Dog Act 1976</i> s.10AA - Delegation of local government powers and duties s.10AB – Register of, and review of, delegations
Statutory Power Delegated:	<i>Dog Act 1976</i> s.11(1) - Staff and services s.15(2) and (4A) – Registration period and fees s.16(3) - Registration procedure s.17A(2) - If no application for registration made s.17(4) and (6) Refusal or cancellation of registration s.29 - Power to seize dogs s.33F(6) Owners to be notified of making of declaration s.33G(4) Seizure and destruction s.33H(1), (2) and (5) Local government may revoke declaration or proposal to destroy Section 33M(1)(a) – Local government expenses to be recoverable
Function Delegated:	<ol style="list-style-type: none"> 1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)]. 2. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: <ol style="list-style-type: none"> i. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the Cat Act 2011 or the Animal Welfare Act 2002; or ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept iv. the dog is required to be microchipped but is not microchipped; or v. the dog is a dangerous dog [s.16(3) and s.17A(2)]. 3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire's District [s15(4A)]. 4. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s.17(4)]. <ol style="list-style-type: none"> i. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had be found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)] 5. Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)].

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

	<ol style="list-style-type: none"> 6. Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)]. 7. Authority to declare an individual dog to be a dangerous dog [s.33E(1)]. 8. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)]. 9. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)]. 10. Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)] <ol style="list-style-type: none"> i. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)]. 11. Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]: <ol style="list-style-type: none"> (a) a notice declaring a dog to be dangerous; or (b) a notice proposing to cause a dog to be destroyed. 12. Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to the maximum amount prescribed, having regard to expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s.33H(5)].
Conditions	<ol style="list-style-type: none"> 1. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. 2. Any discount or waiver of a registration fee is authorised in writing
Cross References (if any)	
Policy:	Nil.
Procedure:	Nil.
Other Statutory:	<p><i>Dog Act 1976</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation) s.17A If no application for registration made – procedure for giving notice of decision under s.16(3) Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and (6)</p>

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

Title:	CD19 Certain duties under the Cat Act 2011		
Delegation No:	CD19		
Delegation from:	Council	Delegation to:	Chief Executive Officer
Date Adopted:	20 June 2018	Last Reviewed:	16/06/2021 (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>Cat Act 2011</i> s.44 - Delegation by local government s.45 – Delegation by the CEO of local government s.46 – Other matters relevant to delegations under this Division</p>
Statutory Power Delegated:	<p><i>Cat Act 2011</i> s. 9 - Registration s.10 - Cancellation of registration s.11 - Registration numbers, certificates and tags s.12 - Register of cats s.26 - Cat control notice may be given to cat owner s.34 – Dealing with unidentified and unclaimed cats s.37 - Approval to breed cats s.38 - Cancellation of approval to breed cats s.39 - Certificate to be given to approved cat breeder</p> <p><i>Cat (Uniform Local Provisions) Regulations 2013:</i> r.8 - Application to keep additional number of cats r. 9 - Grant of approval to keep additional number of cats</p>
Function Delegated:	<ol style="list-style-type: none"> 1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)]. 3. Authority to cancel a cat registration [s.10]. 4. authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)]. 5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Mingenew's District [Regs. Sch. 3 cl.1(4)]. 6. 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]. 7. Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)]. 8. 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]. 9. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)]. 10. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)].

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

	<p>11. Authority to cancel an approval to breed cats [s.38].</p> <p>12. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)].</p>
Conditions	<p>a) Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the Cat Act 2011.</p> <p>b) For applications to keep additional cats, notices of decisions must include advice as to Review rights in accordance with r.11 of the <i>Cat (Uniform Local Provisions) Regulations 2013</i>.</p>
Cross References (if any)	
Policy:	Nil.
Procedure:	Nil.
Other Statutory:	<p><i>Cat Regulations 2012</i></p> <p>r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration.</p> <p>r.12 Period of registration (s.9(7))</p> <p>r.11 Changes in registration</p> <p>r.14 Registration certificate (s.11(1)(b))</p> <p>r.15 Registration tags (s.76(2))</p> <p>r.21 Application for approval to breed cats (s.36(2))</p> <p>r.22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f))</p> <p>r.23 Person who not be refused approval to breed cats (s.37(5))</p> <p>r.24 Duration of approval to breed cats (s.37(6))</p> <p>r.25 Certificate given to approved cat breeder (s.39(1))</p> <p>Decisions are subject to Objection and Review by the State Administration Tribunal rights – refer Part 4, Division 5 of the Cat Act 2011.</p>

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

Title:	CD20 Planning and Development Act – Illegal Development		
Delegation No:	CD20		
Delegation from:	Council	Delegation to:	Chief Executive Officer
Date Adopted:	17 April 2019	Last Reviewed:	16/06/2021 (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].

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

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

Title:	CD21 Road Traffic Code 2000 (Revoked 17/04/2020)		
Delegation No:	CD21		
Delegation from:	Council	Delegation to:	Chief Executive Officer
Date Adopted:	20 June 2018	Last Revoked:	17/04/2019
Reason for revocation:	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)		

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

Title:	CD22 Power to invest and manage investments		
Delegation No:	CD22		
Delegation from:	Council	Delegation to:	Chief Executive Officer
Date Adopted:	17 April 2019	Last Reviewed:	16/06/2021 (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].

Statutory Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42(b) - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Statutory Power Delegated:	<i>Local Government Act 1995:</i> s.6.14 - Power to invest <i>Local Government (Financial Management) Regulations 1996:</i> r.19 - Investments, control procedures for
Function Delegated:	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].
Conditions	a) 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. b) Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once each financial year. [Audit r.17] c) Subject to the reporting of the exercise of this delegation to the Concept Forum each month.
Cross References (if any)	
Policy:	1.3.1 Investment of Surplus Funds
Procedure:	1.3.1 Investment of Surplus Funds Management Procedure
Other Statutory:	Nil.

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

Title:	CD23 Subdivision Applications		
Delegation No:	CD23		
Delegation from:	Council	Delegation to:	Chief Executive Officer
Date Adopted:	20 May 2020	Last Reviewed:	16/06/2021 (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].

Statutory Power to Delegate:	<p><i>Local Government Act 1995:</i> s.5.42(b) - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO</p>
Statutory Power Delegated:	<p><i>Local Government Act 1995:</i> s.6.14 - Power to invest <i>Planning and Development Act 2005:</i> r.19 - Investments, control procedures for</p>
Function Delegated:	<p>Authority to:</p> <ol style="list-style-type: none"> 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"> a) Applications proposing the amalgamation of existing lots without any other changes to the boundaries of any of the lots affected by the application. b) Applications affecting 'Residential' zoned land. 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. d) Applications consistent with an endorsed Subdivision Guide Plan or Structure Plan. 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. f) Amended plans for applications that have been considered by Council within the last two years and the amendments are of a minor nature. 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. 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

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

	<p>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:</p> <ul style="list-style-type: none"> 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. 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>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 & 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>
Conditions	<ul style="list-style-type: none"> a) 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. b) Subject to the reporting of the exercise of this delegation to the Concept Forum each month.
Cross References (if any)	
Policy:	Nil.
Procedure:	Nil.
Other Statutory:	<p>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</p>

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

Title:	CD24 Tenders for Goods and Services – Call for Tenders		
Delegation No:	CD24		
Delegation from:	Council	Delegation to:	Chief Executive Officer
Date Adopted:	19 May 2021	Last Reviewed:	16/06/2021

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>Local Government Act 1995</i> s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO</p>
Statutory Power Delegated:	<p><i>Local Government Act 1995</i> s.3.57 - Tenders for providing goods or services <i>Local Government (Functions & General) Regulations 1996</i> r.11 - When tenders have to be publicly invited r.13 - Requirements when local government invites tenders though not required to do so. r.14 - Publicly inviting tenders r.18 - Rejecting and accepting tenders</p>
Function Delegated:	<ol style="list-style-type: none"> 1. Authority to call tenders [F&G r11(1)]. 2. Authority to invite tenders although not required to do so [F&G r13]. 3. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r14(2a)]. 4. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r14(4)(a)]. 5. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)].
Conditions	<ol style="list-style-type: none"> a. 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: <ol style="list-style-type: none"> i. Proposed goods or services are required to fulfil a routine contract related to the day the day operations of the Shire; ii. current supply contract expiry is imminent; iii. the value of the proposed contract has been included in the draft Annual Budget proposed for adoption; and iv. the tender specification includes a provision that the contract will be awarded subject to the budget adoption by Council. b. This delegation is to be carried out in accordance with Council's Purchasing Policy and internal Purchasing Procedures. c. The exercise of this delegation is to be reported to the next Concept Forum.

Sub-Delegate/s: Appointed by CEO	Nil
CEO Conditions on this Sub-Delegation: Conditions on the original delegation	<ol style="list-style-type: none"> a. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities.

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

also apply to the sub-delegations	
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Council Policy - 1.3.1 Purchasing Policy

Version Control:	
2021.1	Separated from CD04 Expressions of Interest, Tenders and Tender Exempt Procurement delegation (repealed) as recommended by WALGA.

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

Title:	CD25 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options		
Delegation No:	CD25		
Delegation from:	Council	Delegation to:	Chief Executive Officer
Date Adopted:	19 May 2021	Last Reviewed:	16/06/2021 (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].

Statutory Power to Delegate:	<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
Statutory Power Delegated:	<i>Local Government Act 1995</i> s.3.57 - Tenders for providing goods or services <i>Local Government (Functions & General) Regulations 1996</i> r.11 - When tenders have to be publicly invited r.18 - Rejecting and accepting tenders r.20 - Variation of requirements before entry into contract r.21A – Varying a contract for the supply of goods or services r.21 - Limiting who can tender, procedure for
Function Delegated:	<ol style="list-style-type: none"> 6. Authority to determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender [F&G.r.18(2)]. 7. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)]. 8. Authority to assess, by written evaluation, tenders that have not been rejected, to determine: <ol style="list-style-type: none"> i. The extent to which each tender satisfies the criteria for deciding which tender to accept; and ii. To accept the tender that is most advantageous within the \$<<value>> detailed as a condition on this Delegation [F&G r.18(4)]. 9. Authority to decline to accept any tender [F&G r.18(5)]. 10. Authority to accept the next most advantageous tender if, within 6-months of accepting a tender, a contract has not been entered into OR the local government and the successful tenderer agree to terminate the contract [F&G r.18(6) & (7)]. 11. Authority to determine whether variations in goods and services required are minor variations, and to negotiate with the successful tenderer to make minor variations before entering into a contract [F&G r.20(1) and (3)]. 12. Authority to choose the next most advantageous tender to accept, if the chosen tenderer is unable or unwilling to form a contract to supply the varied requirement OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer [F&G r.20(2)]. 13. Authority to vary a tendered contract, after it has been entered into, provided the variation/s are necessary for the goods and services to be supplied, and do not change the scope of the original contract or increase the contract value beyond 10% or to a maximum of \$25,000

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

	<p>whichever is the lesser value [F&G r.21A(a)].</p> <p>14. Authority to exercise a contract extension option that was included in the original tender specification and contract in accordance with r.11(2)(j).</p>
Conditions	<p>a. Exercise of authority under F&G.r.18(2) requires consideration of whether or not the requirements as specified in the invitation to tender have been expressed as mandatory and if so, discretion may not be capable of being exercised – consider process contract implications.</p> <p>b. In accordance with s.5.43(b), tenders may only be accepted under this delegation, where:</p> <ol style="list-style-type: none"> i. The total consideration under the resulting contract is \$250,000 or less; ii. The expense is included in the adopted Annual Budget; and iii. The tenderer has complied with requirements under F&G r.18(2) and (4). <p>c. A decision to vary a tendered contract before entry into the contract [F&G r.20(1) and (3)] must include evidence that the variation is minor in comparison to the total goods or services that tenderers were invited to supply.</p> <p>d. A decision to vary a tendered contract after entry into the contract [F&G r.21A(a)] must comply with the adopted Council policies and must include evidence that the variation is necessary and does not change the scope of the contract.</p> <p>e. A decision to renew or extend the contract must only occur where the original contract contained the option to renew or extend its term as per r.11(2)(j) and that the contractor's performance has been reviewed and the review evidences the rationale for entering into the extended term.</p> <p>f. This delegation is to be carried out in accordance with Council's Purchasing Policy and internal Purchasing Procedures.</p> <p>g. The exercise of this delegation is to be reported to the next Concept Forum.</p>

Sub-Delegate/s: Appointed by CEO	Nil
CEO Conditions on this Sub-Delegation: Conditions on the original delegation also apply to the sub-delegations	b. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities.
Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Council Policy - 1.3.1 Purchasing Policy</p>

Version Control:	
2021.1	Separated from CD04 Expressions of Interest, Tenders and Tender Exempt Procurement delegation (repealed) as recommended by WALGA.

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

Title:	CD26 Tenders for Goods and Services – Exempt Procurement		
Delegation No:	CD26		
Delegation from:	Council	Delegation to:	Chief Executive Officer
Date Adopted:	19 May 2021	Last Reviewed:	1606/2021 (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].

Statutory Power to Delegate:	<i>Local Government Act 1995</i> s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO																
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Function Delegated:	15. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is expected to be included in the adopted Annual Budget [F&G.r.11(2)]. 16. 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 to contract directly with a suitable supplier [F&G r.11(2)(f)].																
Conditions	h. Tender exempt procurement under F&G.r.11(2) may only be approved where the total consideration under the resulting contract is expected to be less than the maximum \$value specified for the following categories: <table border="1" data-bbox="459 1137 1362 1984" style="margin-left: 40px;"> <thead> <tr> <th>Category</th> <th>Maximum Value for individual contracts</th> </tr> </thead> <tbody> <tr> <td>WALGA Preferred Supplier Program [F&G.r.11(2)(b)]</td> <td><\$250,000</td> </tr> <tr> <td>Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)]</td> <td><\$250,000</td> </tr> <tr> <td>Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.(2)(f)]</td> <td><\$250,000</td> </tr> <tr> <td>Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]</td> <td><\$250,000</td> </tr> <tr> <td>Goods or services supplied by a person registered on the Aboriginal Business Directory WA <u>OR</u> Indigenous Minority Supplier Office Limited (T/as Supply Nation) <u>AND</u> where satisfied that the contract represents value for money. [F&G.r.11(2)(h)]</td> <td><\$250,000* *as specified in F&G.r.11(2)(h)(ii)</td> </tr> <tr> <td>Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)]</td> <td><\$250,000</td> </tr> </tbody> </table>			Category	Maximum Value for individual contracts	WALGA Preferred Supplier Program [F&G.r.11(2)(b)]	<\$250,000	Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)]	<\$250,000	Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.(2)(f)]	<\$250,000	Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]	<\$250,000	Goods or services supplied by a person registered on the Aboriginal Business Directory WA <u>OR</u> Indigenous Minority Supplier Office Limited (T/as Supply Nation) <u>AND</u> where satisfied that the contract represents value for money. [F&G.r.11(2)(h)]	<\$250,000* *as specified in F&G.r.11(2)(h)(ii)	Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)]	<\$250,000
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Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.(2)(f)]	<\$250,000																
Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]	<\$250,000																
Goods or services supplied by a person registered on the Aboriginal Business Directory WA <u>OR</u> Indigenous Minority Supplier Office Limited (T/as Supply Nation) <u>AND</u> where satisfied that the contract represents value for money. [F&G.r.11(2)(h)]	<\$250,000* *as specified in F&G.r.11(2)(h)(ii)																
Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)]	<\$250,000																

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

	<ul style="list-style-type: none"> i. Tender exempt procurement under F&G r.11(2)(f) may only be approved where a record is retained that evidences: <ul style="list-style-type: none"> i. A detailed specification; ii. The outcomes of market testing of the specification; iii. The reasons why market testing has not met the requirements of the specification; iv. Rationale for why the supply is unique and cannot be sourced through other suppliers; and v. The expense is included in the adopted Annual Budget. j. Where the total consideration of a Tender Exempt procurement contract exceeds the \$value delegated above, the decision is to be referred to Council. k. This delegation is to be carried out in accordance with Council's Purchasing Policy and internal Purchasing Procedures. l. The exercise of this delegation is to be reported to the next Concept Forum.
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Sub-Delegate/s: Appointed by CEO	Nil
CEO Conditions on this Sub-Delegation: Conditions on the original delegation also apply to the sub-delegations	c. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities.
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Council Policy - 1.3.1 Purchasing Policy
Record Keeping	

Version Control:	
2021.1	Separated from CD04 Expressions of Interest, Tenders and Tender Exempt Procurement delegation (repealed) as recommended by WALGA.

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

Title:	CD27 Panels of Pre-Qualified Suppliers for Goods and Services		
Delegation No:	CD27		
Delegation from:	Council	Delegation to:	Chief Executive Officer
Date Adopted:	19 May 2021	Last Reviewed:	16/06/2021 (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].

Statutory Power to Delegate:	<i>Local Government Act 1995</i> s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Statutory Power Delegated:	<i>Local Government (Functions & General) Regulations 1996</i> r.24AB Local government may establish panels of pre-qualified suppliers r.24AC(1)(b) Requirements before establishing panels of pre-qualified suppliers r.24AD(3) & (6) Requirements when inviting persons to apply to join panel of pre-qualified suppliers r.24AH(2), (3), (4) and (5) Rejecting and accepting applications to join panel of pre-qualified suppliers
Function Delegated:	<ol style="list-style-type: none"> 17. Authority to determine that there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [F&G r.24AC(1)(b)]. 18. Authority to, before inviting submissions, determine the written criteria for deciding which application should be for inclusion in a panel of pre-qualified suppliers should be accepted [F&G r.24AD(3)]. 19. Authority to vary panel of pre-qualified supplier information after public notice inviting submissions has been given, taking reasonable steps to each person who has enquired or submitted an application is provided notice of the variation [F&G r.24AD(6)]. 20. Authority to reject an application without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation [F&G r.24AH(2)]. 21. Authority to assess applications, by written evaluation of the extent to which the submission satisfies the criteria for deciding which applicants to accept, and decide which applications to accept as most advantageous [F&G r.24AH(3)]. 22. Authority to request clarification of information provided in a submission by an applicant [F&G r.24AH(4)]. 23. Authority to decline to accept any application [F&G r.24AH(5)]. 24. Authority to enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services [F&G r.24AJ(1)].
Conditions	<ol style="list-style-type: none"> m. In accordance with s.5.43, panels of pre-qualified suppliers may only be established, where the total consideration under the resulting contract is \$10,000 or less and the expense is included in the adopted Annual Budget. n. This delegation is to be carried out in accordance with Council's Purchasing Policy and Pre-Qualified Supplier Panels Policy and Procedures. o. The exercise of this delegation is to be reported to the next Concept Forum.

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

Sub-Delegate/s: Appointed by CEO	Finance and Administration Manager Works Manager
CEO Conditions on this Sub-Delegation: Conditions on the original delegation also apply to the sub-delegations	d. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities.
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Council Policy 1.3.1 Purchasing Policy Council Policy and Procedures 1.2.9 Pre-Qualified Supplier Panels

Version Control:	
2021.1	New delegation

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

Title:	CD28 Expressions of Interest for Goods and Services		
Delegation No:	CD28		
Delegation from:	Council	Delegation to:	Chief Executive Officer
Date Adopted:	19 May 2021	Last Reviewed:	16/06/2021 (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].

Statutory Power to Delegate:	<i>Local Government Act 1995</i> s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Statutory Power Delegated:	<i>Local Government Act 1995</i> s.3.57 - Tenders for providing goods or services <i>Local Government (Functions & General) Regulations 1996</i> r.21 - Limiting who can tender, procedure for r.23 - Rejecting and accepting expressions of interest to be an acceptable tenderer
Function Delegated:	25. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r21]. 26. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r23].
Conditions	a. Expressions of Interest or Tenders may only be called where there is an adopted budget for the proposed goods or services b. This delegation is to be carried out in accordance with Council's Purchasing Policy and internal Purchasing Procedures. c. The exercise of this delegation is to be reported to the next Concept Forum.

Sub-Delegate/s: Appointed by CEO	Nil
CEO Conditions on this Sub-Delegation: Conditions on the original delegation also apply to the sub-delegations	e. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities.
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Council Policy - 1.3.7 Regional Price Preference

Version Control:	
2021.1	Separated from CD04 Expressions of Interest, Tenders and Tender Exempt Procurement delegation (repealed) as recommended by WALGA.

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

Title:	CD29 Application of Regional Price Preference Policy		
Delegation No:	CD29		
Delegation from:	Council	Delegation to:	Chief Executive Officer
Date Adopted:	16 June 2021	Last Reviewed:	N/A (NEW)

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:	<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 Section 5.44 – CEO may delegate some powers and duties to other employees
Statutory Power Delegated:	<i>Local Government (Functions & General) Regulations 1996</i> r.24G Adopted regional price preference policy, effect of
Function Delegated:	27. <i>Authority to decide when not to apply the regional price preference policy to a particular future tender [F&G r.24G].</i>
Conditions	<p>p. This delegation is to be carried out in accordance with Council's Regional Price Preference Policy and Purchasing Policy and Procedures.</p> <p>q. This delegation may only be enacted where the CEO has reason to believe applying a regional price preference would limit the number or quality of tenders to the Shire's disadvantage.</p> <p>r. A decision not to apply the Regional Price Preference must be outlined in any public notice and tender documentation related to the tender.</p> <p>s. The exercise of this delegation is to be reported to the next Concept Forum.</p>

Sub-Delegate/s: Appointed by CEO	Nil
CEO Conditions on this Sub-Delegation: Conditions on the original delegation also apply to the sub-delegations	f. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities.
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Council Policy - 1.3.7 Regional Price Preference
Record Keeping	

Version Control:	
2021.1	NEW

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

Title:	CD30 Crossing – Construction, Repair and Removal		
Delegation No:	CD30		
Delegation from:	Council	Delegation to:	Chief Executive Officer
Date Adopted:	16 June 2021	Last Reviewed:	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].

Statutory Power to Delegate:	<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
Statutory Power Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7(2) r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)
Function Delegated:	<ol style="list-style-type: none"> 1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r.12(1)]. 2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)]. 3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)]. 4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].
Conditions	<ol style="list-style-type: none"> 1. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. 2. Subject to the reporting of the exercise of this delegation to the Concept Forum each month.
Cross References (if any)	
Policy:	1.5.3 Crossovers Policy
Procedure:	Crossovers Specifications
Other Statutory:	Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995

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

Title:	CD31 Occupancy Permits and Building Approval Certificates		
Delegation No:	CD32		
Delegation from:	Council (Permit Authority)	Delegation to:	Chief Executive Officer
Date Adopted:	16 June 2021	Last Reviewed:	N/A (NEW)

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:	<i>Building Act 2011</i> Section 127(1) & (3) - Delegation: special permit authorities and local government
Statutory Power Delegated:	<i>Building Act 2011</i> s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.62(1) and (3) Conditions imposed by permit authority s.65(4) Extension of period of duration <i>Building Regulations 2012</i> r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
Function Delegated:	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55]. 2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58]. 3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)]. 4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40].
Conditions	<ol style="list-style-type: none"> 1. Subject to function 2-4 being reported to the next Concept Forum.
Cross References (if any)	
Policy:	Nil.
Procedure:	Nil.
Other Statutory:	<i>Building Act 2011</i> s.59 time for granting occupancy permit or building approval certificate s.60 Notice of decision not to grant occupancy permit or grant building approval certificate s.121 Occupancy permits and building approval certificates – application for review by SAT <i>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2</i> <i>Building and Construction Industry Training Levy Act 1990</i>

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

Title:	CD32 Designate Employees as Authorised Persons		
Delegation No:	CD32		
Delegation from:	Council (Permit Authority)	Delegation to:	Chief Executive Officer
Date Adopted:	16 June 2021	Last Reviewed:	N/A (NEW)

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:	<i>Building Act 2011</i> Section 127(1) & (3) - Delegation: special permit authorities and local government
Statutory Power Delegated:	<i>Building Act 2011</i> s.96(3) authorised persons s.99(3) Limitation on powers of authorised person
Function Delegated:	<ol style="list-style-type: none"> 1. Authority to designate an employee as an authorised person [s.96(3)]. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)]. <p>NOTE: An authorised person for the purposes of sections 96(3) and 99(3) is not an approved officer or authorised officer for the purposes of Building Reg. 70.</p>
Conditions	<ol style="list-style-type: none"> 1. Decisions under this delegation authority are to be in accordance with r.5 of the Building Regulations 2012. 2. Subject to authorised persons being issued with an identity card in accordance with s.97 of the Building Act 2011. 3. A register being maintained of all authorised persons.
Cross References (if any)	
Policy:	Nil.
Procedure:	Nil.
Other Statutory:	Building Act 2011 s.97 each designated authorised person must have an identity card. r.5A Authorised persons (s.3) – definition

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

Title:	CD33 Building Orders		
Delegation No:	CD33		
Delegation from:	Council (Permit Authority)	Delegation to:	Chief Executive Officer
Date Adopted:	16 June 2021	Last Reviewed:	N/A (NEW)

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:	<i>Building Act 2011</i> Section 127(1) & (3) - Delegation: special permit authorities and local government
Statutory Power Delegated:	<i>Building Act 2011</i> s.110(1) A permit authority may make a building order s.111(1) Notice of proposed building order other than building order (emergency) s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect s.118(2) and (3) Permit authority may give effect to building order if non-compliance s.133(1) A permit authority may commence a prosecution for an offence against this Act
Function Delegated:	<ol style="list-style-type: none"> 1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> a. Building work b. Demolition work c. An existing building or incidental structure [s.110(1)]. 2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]. 3. Authority to revoke a building order [s.117]. 4. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> a. take any action specified in the order ; or b. commence or complete any work specified in the order; or c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)]. 5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)]. 6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the Building Act 2011.
Conditions	<ol style="list-style-type: none"> 1. Subject to the reporting of the exercise of this delegation to the next Concept Forum.
Cross References (if any)	
Policy:	Nil.

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

Procedure:	Nil.
Other Statutory:	Building Act 2011 Section 111 Notice of proposed building order other than building order (emergency) Section 112 Content of building order Section 113 Limitation on effect of building order Section 114 Service of building order Part 9 Review - s.122 Building orders – application for review by SAT

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

Title:	CD34 Inspection and Copies of Building Records		
Delegation No:	CD34		
Delegation from:	Council (Permit Authority)	Delegation to:	Chief Executive Officer
Date Adopted:	16 June 2021	Last Reviewed:	N/A (NEW)

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:	<i>Building Act 2011</i> Section 127(1) & (3) - Delegation: special permit authorities and local government
Statutory Power Delegated:	<i>Building Act 2011</i> s.131(2) Inspection, copies of building records <i>Building Regulations 2012</i> r.13 Inspection, copies of building records (s.131)
Function Delegated:	1. Authority to determine an application from a n interested person to inspect and copy a building record [s.131(2)].
Conditions	Nil.
Cross References (if any)	
Policy:	Nil.
Procedure:	Nil.
Other Statutory:	Building Act 2011 s.146 Confidentiality

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

Title:	CD35 Referrals and Issuing Certificates		
Delegation No:	CD35		
Delegation from:	Council (Permit Authority)	Delegation to:	Chief Executive Officer
Date Adopted:	16 June 2021	Last Reviewed:	N/A (NEW)

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:	<i>Building Act 2011</i> Section 127(1) & (3) - Delegation: special permit authorities and local government
Statutory Power Delegated:	<i>Building Act 2011</i> s.145A Local Government functions
Function Delegated:	<ol style="list-style-type: none"> 1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)]. 2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire of Mingenew [s.145A(2)].
Conditions	Subject to all records pertaining to the exercising of this delegation being maintained within the Shire's records management system.
Cross References (if any)	
Policy:	Nil.
Procedure:	Nil.
Other Statutory:	Building Act 2011 s.146 Confidentiality

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

Title:	CD36 Smoke Alarms – Alternative Solutions		
Delegation No:	CD36		
Delegation from:	Council (Permit Authority)	Delegation to:	Chief Executive Officer
Date Adopted:	16 June 2021	Last Reviewed:	N/A (NEW)

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:	<i>Building Act 2011</i> Section 127(1) & (3) - Delegation: special permit authorities and local government
Statutory Power Delegated:	<i>Building Regulations 2012:</i> r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
Function Delegated:	<ol style="list-style-type: none"> Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55]. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].
Conditions	<ol style="list-style-type: none"> Subject to written advice being received and considered from a suitably qualified person (building surveyor, local government officer from another local government with building-related qualifications or experience).
Cross References (if any)	
Policy:	Nil.
Procedure:	Nil.
Other Statutory:	Building Act 2011 s.146 Confidentiality

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

Title:	CD37 Make Request to FES Commissioner – Control of Fire		
Delegation No:	CD37		
Delegation from:	Council	Delegation to:	Chief Executive Officer
Date Adopted:	20 July 2018	Last Reviewed:	

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:	<i>Bush Fires Act 1954</i> Section 48 - Delegation by local governments
Statutory Power Delegated:	<i>Bush Fires Act 1954:</i> s.13(4) Duties and powers of bush fire liaison officers
Function Delegated:	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)].
Conditions	a) Subject to liaison with the Chief Bush Fire Control Officer and/or Deputy Bush Fire Control Officer and at least one Bushfire Captain.
Cross References (if any)	
Policy:	Nil.
Procedure:	Nil.
Other Statutory:	<i>Bush Fires Act 1954</i>

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

Title:	CD38 Prohibited Burning Times – Control Activities		
Delegation No:	CD38		
Delegation from:	Council	Delegation to:	Chief Executive Officer
Date Adopted:	20 July 2018	Last Reviewed:	

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:	<i>Bush Fires Act 1954</i> Section 48 - Delegation by local governments
Statutory Power Delegated:	<i>Bush Fires Act 1954:</i> s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
Function Delegated:	<ol style="list-style-type: none"> 1. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)]. 2. Authority to recover the cost of measures taken by the Shire of Mingenew or Bush Fire Control Officer, to extinguish a fire burning during Prohibited Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].
Conditions	b) Subject to the reporting of the exercise of function 2 to the next Concept Forum.
Cross References (if any)	
Policy:	Nil.
Procedure:	Nil.
Other Statutory:	<i>Bush Fires Act 1954</i>

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

Title:	CD39 Restricted Burning Times – Vary and Control Activities		
Delegation No:	CD39		
Delegation from:	Council	Delegation to:	Chief Executive Officer
Date Adopted:	20 July 2018	Last Reviewed:	

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:	<i>Bush Fires Act 1954</i> Section 48 - Delegation by local governments
Statutory Power Delegated:	<i>Bush Fires Act 1954:</i> s.18(5), (11) Restricted burning times may be declared by FES Commissioner s.22(6) and (7) Burning on exempt land and land adjoining exempt land s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.15C Local Government may prohibit burning on certain days r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
Function Delegated:	<ol style="list-style-type: none"> 1. Authority, where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18(5)]. 2. Authority, where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)]. 3. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)]. 4. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)]. 5. Authority to recover the cost of measures taken by the Shire of Mingenew or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].
Conditions	c) Subject to the reporting of the exercise of function 5 to the next Concept Forum.

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

Cross References (if any)	
Policy:	Nil.
Procedure:	Nil.
Other Statutory:	<i>Bush Fires Act 1954</i>

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

Title:	CD40 Burning Garden Refuse / Open Air Fires		
Delegation No:	CD40		
Delegation from:	Council	Delegation to:	Chief Executive Officer
Date Adopted:	16 June 2021	Last Reviewed:	N/A (NEW)

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

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

Procedure:	Nil.
Other Statutory:	<i>Bush Fires Act 1954</i>

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

Title:	CD41 Firebreaks		
Delegation No:	CD41		
Delegation from:	Council	Delegation to:	Chief Executive Officer
Date Adopted:	16 June 2021	Last Reviewed:	N/A (NEW)

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:	<i>Bush Fires Act 1954</i> Section 48 - Delegation by local governments
Statutory Power Delegated:	<i>Bush Fires Act 1954</i> s.33 Local government may require occupier of land to plough or clear fire-breaks
Function Delegated:	<ol style="list-style-type: none"> 1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Shire of Mingenew: <ol style="list-style-type: none"> a. clearing of firebreaks as determined necessary and specified in the notice; and b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and c. as a separate or coordinated action with any other person carry out similar actions [s.33(1)]. 2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)]. <ol style="list-style-type: none"> a. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].
Conditions	e) Subject to the reporting of the exercise of this delegation to the next Concept Forum.
Cross References (if any)	
Policy:	Nil.
Procedure:	Nil.
Other Statutory:	<i>Bush Fires Act 1954</i>

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

Title:	CD42 Recovery of Expenses Incurred through Contraventions of the Bush Fires Act		
Delegation No:	CD42		
Delegation from:	Council	Delegation to:	Chief Executive Officer
Date Adopted:	16 June 2021	Last Reviewed:	N/A (NEW)

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:	<i>Bush Fires Act 1954</i> Section 48 - Delegation by local governments
Statutory Power Delegated:	<i>Bush Fires Act 1954</i> s.58 General penalty and recovery of expenses incurred
Function Delegated:	1. Authority to recover expenses incurred as a result of an offence against the Bush Fires Act, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Shire or those on behalf of the Shire to do [s.58].
Conditions	f) Subject to the reporting of the exercise of this delegation to the next Concept Forum.
Cross References (if any)	
Policy:	Nil.
Procedure:	Nil.
Other Statutory:	<i>Bush Fires Act 1954</i>

Title:	CA1 Authorised Persons under the Caravan Parks and Camping Grounds Act 1995		
Authority No:	CA1		
Appointment from:	Council Chief Executive Officer	Authorisation to:	Chief Executive Officer Environmental Health Officer
Date Adopted:	17 April 2019	Last Reviewed:	16/06/2021 (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].

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

Shire of Mingenew – Part 4 Council / Chief Executive Officer Authorisations to Other Personnel

Title:	CA2 Prohibited Burning Times - Vary		
Delegation No:	CA2		
Delegation from:	Council	Delegation to:	Shire President and Chief Bush Fire Control Officer (jointly)
Date Adopted:	20 July 2018	Last Reviewed:	Replacing CD13

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:	<i>Bush Fires Act 1954</i> s.48 Delegation by local government s.17(10) Prohibited burning times may be declared by Minister (power of delegation to mayor or president and Chief Bush Fire Control Officer for ONLY powers under s.17(7) and (8))
Statutory Power Delegated:	<i>Bush Fires Act 1954:</i> s.17(7) Prohibited burning times may be declared by Minister <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
Function Delegated:	1. Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer [s.17(7)].
Conditions	a. Decisions under s,17(7) must be undertake jointly by both the President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).
Cross References (if any)	
Policy:	Nil.
Procedure:	Nil.
Other Statutory:	