

SHIRE OF MINGENEW



DELEGATION REGISTER

Current as at 21 June 2023

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1. Local Government Act 1995 Delegations

1 Local Government Act 1995 Delegations

1.1 Council to Committees of Council

1.1.1 Dealing with Behaviour Complaints

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.16 Delegation of some powers and duties to certain committees
Express Power or Duty Delegated:	<i>Local Government (Model Code of Conduct) Regulations 2021:</i> Clause 12 Dealing with a complaint Clause 13 Dismissal of complaint
Delegate:	Behaviour Complaints Committee
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none">1. Authority to 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 <i>[MCC.cl.12(1) and (3)]</i>. In making any finding the Committee must also determine reasons for the finding <i>[MCC.cl.12(7)]</i>.2. Where a finding is made that a breach has occurred, authority to:<ol style="list-style-type: none">a) take no further action <i>[MCC.cl.12(4)(a)]</i>; orb) prepare and implement a plan to address the behaviour of the person to whom the complaint relates <i>[MCC.cl.12(4)(b), (5) and (6)]</i>.3. Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal <i>[MCC.cl.13(1) and (2)]</i>.
Council Conditions on this Delegation:	<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

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1. Local Government Act 1995 Delegations

	<p>Member is absent, and a Deputy Committee Member is in attendance.</p> <p><u>NOTE TO Conditions (c) AND (d):</u> The purpose of these Conditions 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>
Express Power to Sub-Delegate:	Nil.

Compliance Links:	<p>2.01 Behaviour Complaints Committee Terms of Reference</p> <p>Council Policy 1.1.8 Code of Conduct Behaviour Complaints Management</p> <p>Council Policy 1.1.4 Code of Conduct for Council Members, Committee Members and Candidates</p>
Record Keeping:	<p>Committee Minutes shall record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19. Committee Minutes shall be received by Council at the next Ordinary meeting of Council.</p>

Version Control:

1	CDC02 Behaviour Complaints Committee (last reviewed 15 June 2022 – no change)
2	1.1.1 Dealing with Behaviour Complaints (amended 21 June 2023)

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1. Local Government Act 1995 Delegations

1.1.2 Recruitment, Performance and Termination of the Chief Executive Officer

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.16 Delegation of some powers and duties to certain committees
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.5.39A Model standards for CEO recruitment, performance and termination
Delegate:	Executive Management Committee
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	In accordance with Council Policy 1.1.7 CEO Standards for Recruitment, Performance and Termination, authority to: <ol style="list-style-type: none"> 1. Prepare and recommend to Council the selection criteria and job description for the position of CEO; 2. Form the Selection Panel to conduct the recruitment and selection process for the employment of the CEO; 3. Prepare and make recommendation to Council, the proposed terms of the contract of employment for the CEO 4. Determine the process by which the CEO's performance will be reviewed and any performance criteria to be met by the CEO in addition to the contractual performance criteria 5. Appoint an external consultant to assist with the CEO performance review (if desired) 6. Conduct a review of the CEO's performance at least once per year, in consultation with the CEO, and make recommendations to Council to endorse the review 7. Determine how to address and manage any issues identified in the performance review; 8. Review the CEO's remuneration package annually and make recommendations to Council in relation to remuneration, in accordance with the CEO's contract of employment, having consideration to the CEO's performance, current level of remuneration and the Salaries and Allowances Determination; 9. Consider and make recommendation to Council on any matters that may or do result in the termination of the CEO.
Council Conditions on this Delegation:	a. The Selection Panel for employment of the CEO must include the appointment (by Council) of at least 1 independent person and any other person prior to commencing the recruitment and selection process.
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Local Government Act 1995 Local Government (Administration) Regulations 1996 7.01 Executive Management Committee Terms of Reference (to be developed)
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1. Local Government Act 1995 Delegations

	Council Policy 1.1.7 CEO Standards for Recruitment, Performance and Termination Council Policy 1.1.4 Code of Conduct for Council Members, Committee Members and Candidates
Record Keeping:	Committee Minutes shall record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19. Committee Minutes shall be received by Council at the next Ordinary meeting of Council.

Version Control:

1	CDC01 Chief Executive Officer's Performance Appraisal (adopted 19 December 2018)
2	1.1.2 Recruitment, Performance and Termination of the Chief Executive Officer (NEW)

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1. Local Government Act 1995 Delegations

1.2 Council to CEO

1.2.1 Authorise Persons to Perform Specified Functions under the Local Government Act 1995

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.24 Authorising persons under this Subdivision s.3.31(2) General Procedure for entering property s.3.39(1) Power to remove and impound s.3.40A(1) Abandoned vehicle wreck may be taken s.9.24(1)(c) and (2)(b) Prosecutions, commencing <i>Local Government (Miscellaneous Provisions) Act 1960</i> s.449 Pounds, establishing; poundkeepers and rangers, appointing
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to authorise persons for the purposes of <i>Part 3, Division 3, Subdivision 2 – Certain provisions about land</i> - to exercise the Local Government's powers under s.3.25 to 3.27 inclusive, to issue and administer notices requiring certain things to be one by owner or occupier of land [s.3.24] 2. Authority to authorise persons to enter onto land, premises or thing, without consent of the owner / occupier, unless the owner / occupier objects [s.3.31(2)] 3. Authority to authorise an employee to remove and impound any goods that are involved in a contravention that can lead to impounding [s.3.39(1)]. 4. Authority to authorise persons to commence prosecutions for offences under the Local Government Act 1995 and any Local Laws made under the Local Government Act 1995 [s.9.24(1)(c) and (2)(b)]. 5. Authority to authorise an employee to remove and impound a vehicle that has been determined as an abandoned vehicle wreck [s.3.40A(1)]. 6. Authority to appoint fit and proper persons as poundkeepers or rangers [Misc.Prov.s.449].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. A register of Authorisations is to be maintained as a Local Government Record. b. Only persons who are appropriately qualified and trained may be authorised to perform relevant functions. c. Authorisations are to be provided in writing by issuing a Certificate of Authorisation.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Delegation Register

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1. Local Government Act 1995 Delegations

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	CD06 Authorised Persons for the Purposes of the Local Government Act (last reviewed 15 June 2022 – no change) CD11 Remove, Impound and Dispose of Uncollected Goods or Animals (last reviewed 15 June 2022 – no change)
2	1.2.1 Authorise Persons to Perform Specified functions under the Local Government Act 1995 (NEW)

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1. Local Government Act 1995 Delegations

1.2.2 Performing Functions Outside the District

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

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	1.2.2 Performing Functions Outside the District (NEW)
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1. Local Government Act 1995 Delegations

1.2.3 Powers of Entry

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Express Power or Duty 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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to exercise powers of entry to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law [s.3.28]. 3. Authority to give notice of entry [s.3.32]. 4. Authority to seek and execute an entry under warrant [s.3.33]. 5. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]. 6. Authority to give notice and effect entry by opening a fence [s.3.36].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Delegated authority under s.3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property. b. When exercising authority to authorise persons under s.3.31(2): <ul style="list-style-type: none"> • A register of Authorisations is to be maintained as a Local Government Record. • Only persons who are appropriately qualified and trained may be appointed as Authorised persons. • Authorisations are to be provided in writing by issuing a Certificate of Authorisation.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
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1. Local Government Act 1995 Delegations

	<p><u>Local Government Act 1995:</u> Authorise person – refer s.3.31(2)] Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry s.3.34(2) Entry in an emergency – Refer to CEO Delegation</p>
Record Keeping:	<p>Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.</p>

Version Control:

1	CD10 Powers of Entry (last reviewed 15 June 2022 – no change)
2	1.2.4 Powers of Entry (amended 21 June 2023)

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1. Local Government Act 1995 Delegations

1.2.4 Declare Vehicle is Abandoned Vehicle Wreck

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.40A(4) Abandoned vehicle wreck may be taken
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
Council Conditions on this Delegation:	a. Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.2.5 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision. b. NOTE – declared abandoned vehicle wreck may only be removed and impounded by a person duly authorised under s.3.40A(1). Authority to appoint authorised person for this purpose may be delegated refer Delegated Authority 1.2.1 Authorise Persons to Perform Specified Functions.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	CD11 Remove, Impound and Dispose of Uncollected Goods or Animals (last reviewed 15 June 2022 – no change))
2	1.2.5 Declare Vehicle is an Abandoned Wreck (amended 21 June 2023)

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1. Local Government Act 1995 Delegations

1.2.5 Confiscated or Uncollected Goods

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.46 Goods May be withheld until costs paid s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. [s.3.46] 2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47]. 3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable. b. NOTE – declared abandoned vehicle wreck may only be removed and impounded by a person duly authorised under s.3.40A(1). Authority to appoint authorised person for this purpose may be delegated - refer Delegated Authority 1.2.1 Authorise Persons to Perform Specified Functions.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995 :Part 3, Division 3, Subdivision 3 s.3.58 Disposing of Property – applies to the sale of goods under s.3.47 as if they were property referred to in that section.

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.
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Version Control:

1	CD11 Remove, Impound and Dispose of Uncollected Goods or Animals (last reviewed 15 June 2022 – no change))
2	1.2.6 Confiscated or Uncollected Goods (Amended 21 June 2023)

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

1.2.6 Disposal of Sick or Injured Animals

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)]. 2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Council Conditions on this Delegation:	a. Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	CD11 Remove, Impound and Dispose of Uncollected Goods or Animals (last reviewed 15 June 2022 – no change))
2	1.2.7 Disposal of Sick or injured Animals (amended 21 June 2023)

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

1.2.7 Close Thoroughfares to Vehicles

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

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
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Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<p>a. The following listed sub-delegates are limited to determining road closures in an emergency, where it is determined that there is reasonable and imminent risk to public safety or property and subject to the road closure being given effect through sufficient and compliant traffic management:</p> <p>- <<list position titles>></p>
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Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	CD09 Closing of Thoroughfares (last reviewed 15 June 2022 – no change)
2	1.2.8 Close Thoroughfares to Vehicles (amended 21 June 2023)

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

1.2.8 Control Reserves and Certain Unvested Facilities

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)]. 2. Authority to do anything for the purpose of controlling and managing land under the control and management of the Shire of Mingenew that the Shire of Mingenew could do under s.5 of the Parks and Reserves Act 1895. [s.3.54(1)].
Council Conditions on this Delegation:	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.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	CD07 Reserves under Control of Local Government (last reviewed 15 June 2022 – no change)
2	1.2.9 Control Reserves and Certain Unvested Facilities (amended 21 June 2023)

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

1.2.9 Obstruction of Footpaths and Thoroughfares

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

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

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

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.2 – Public Thoroughfare Obstruction – Determine Conditions</p> <p>Local Government (Uniform Local Provisions) Regulations 1996</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995</p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	CD08 Thoroughfares (last reviewed 15 June 2022 – no change)
2	1.2.10 Obstruction of Footpaths and Thoroughfares (amended 21 June 2023)

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

1.2.10 Gates Across Public Thoroughfares

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)]. 2. Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)]. 3. Authority to impose conditions on granting permission [ULP r.9(4)]. 4. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)]. 5. Authority to cancel permission by written notice, and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9(6)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Each approval provided must be recorded in the Shire of Mingenew's statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
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Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

	<p>Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995</p>
Record Keeping:	<p>Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.</p>

Version Control:

1	CD08 Thoroughfares (last reviewed 15 June 2022 – no change)
2	1.2.11 Gates Across Public Thoroughfares

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

1.2.11 Public Thoroughfare – Dangerous Excavations

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)]. 2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)]. 3. Authority to impose conditions on granting permission [ULP r.11(6)]. 4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
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Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>
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Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.3 – Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares</p> <p>Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995</p>
Record Keeping:	<p>Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire’s record keeping database.</p>

Version Control:

1	CD08 Thoroughfares (last reviewed 15 June 2022 – no change)
2	1.2.12 Public Thoroughfare – Dangerous Excavations (amended 21 June 2023)

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

1.2.12 Crossing – Construction, Repair and Removal

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

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995</p> <p>Council Policy 1.5.3 Crossovers Policy</p>
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Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.
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Version Control:

1	CD30 Crossing – Construction, Repair and Removal (last reviewed 15 June 2022 – no change)
2	1.2.13 Crossing – Construction, Repair and Removal (amended 21 June 2023)

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

1.2.13 Private Works on, over or under Public Places

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

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

	<p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995</p>
Record Keeping:	<p>Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.</p>

Version Control:

1	CD08 Thoroughfares (last reviewed 15 June 2022 – no change)
2	1.2.14 Private Works on, over or under Public Places (amended 21 June 2023)

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

1.2.14 Expressions of Interest for Goods and Services

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

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures WALGA Subscription Service – Procurement Toolkit Council Policy 1.3.1 Purchasing Policy
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	CD28 Expressions of Interest for Goods and Services (last reviewed 15 June 2022 – no change)
2	1.2.15 Expressions of Interest for Goods and Services (amended 21 June 2023)

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

1.2.15 Tenders for Goods and Services – Call Tenders

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11(1), (2) When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to call tenders [F&G r.11(1)]. 2. Authority to invite tenders although not required to do so [F&G r.13]. 3. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 4. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 5. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget where : <ol style="list-style-type: none"> i. the proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government; or ii. a current supply contract expiry is imminent; and iii. the value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and iv. the tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
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Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

<p>CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i></p>	<p>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.</p> <p>b. <<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>></p>
<p>Compliance Links:</p>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures</p> <p>WALGA Subscription Service – Procurement Toolkit</p> <p>Council Policy 1.3.1 Purchasing Policy</p>
<p>Record Keeping:</p>	<p>Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.</p>

Version Control:

1	CD25 Tenders for Goods and Services – Call for Tenders (last reviewed 15 June 2022 – no change)
2	1.2.16 Tenders for Goods and Services – Call Tenders (amended 21 June 2023)

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

1.2.16 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11(2)(j) Exercising contract extension options r.18(2), (4), (4a), (5), (6) and (7) Rejecting and accepting tenders r.20(1), (2), (3) Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. 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)]. 2. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)]. 3. 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)]. 4. Authority to decline to accept any tender [F&G r.18(5)]. 5. Authority to accept the next most advantageous tender if, within 6-months of accepting a tender, a contract has not been entered into <u>OR</u> the local government and the successful tenderer agree to terminate the contract [F&G r.18(6) & (7)]. 6. Authority to determine whether variations in goods and services required are minor variations, and to negotiate with the successful tenderer to make minor variations <u>before</u> entering into a contract [F&G r.20(1) and (3)]. 7. 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 <u>OR</u> 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)]. 8. Authority to vary a tendered contract, <u>after</u> 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

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Shire of Mingenew

1. Local Government Act 1995 Delegations

	<p>original contract or increase the contract value beyond 10% or to a maximum of \$25,000 whichever is the lesser value [F&G r.21A(a)].</p> <p>9. 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>
<p>Council Conditions on this Delegation:</p>	<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> <ul 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 <u>before</u> 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 <u>after</u> entry into the contract [F&G r.21A(a)] must comply with the adopted <<Council Policy 'Contract Variations'>> 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>Express Power to Sub-Delegate:</p>	<p>Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees</p>

<p>Sub-Delegate/s: <i>Appointed by CEO</i></p>	<p><<list position titles>></p>
<p>CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i></p>	<p>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.</p> <p>b. <<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>></p>

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1. Local Government Act 1995 Delegations

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures WALGA Subscription Service – Procurement Toolkit Council Policy 1.3.1 Purchasing Policy
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	CD25 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; exercising Contract Extension Options (last reviewed 15 June 2022 – no change)
2	1.2.17 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options (amended 21 June 2023)

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1. Local Government Act 1995 Delegations

1.2.17 Tenders for Goods and Services - Exempt Procurement

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government													
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO													
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11(2) When tenders have to be publicly invited (<i>exemptions</i>)													
Delegate:	Chief Executive Officer													
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to 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)]. 2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine to contract directly with a suitable supplier [F&G r.11(2)(f)]. 													
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. 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="555 1160 1369 1986"> <thead> <tr> <th>Category</th> <th>Maximum Value for individual contracts</th> </tr> </thead> <tbody> <tr> <td>WALGA Preferred Supplier Program <i>[F&G.r.11(2)(b)]</i></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 <i>[F&G.r.11(2)(e)]</i></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 <i>[F&G.r.(2)(f)]</i></td> <td>\$250,000</td> </tr> <tr> <td>Supply of petrol, oil or any other liquid or gas used for internal combustion engines <i>[F&G.r.11(2)(g)]</i></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)</td> <td><\$250,000* <i>*as specified in F&G.r.11(2)(h)(ii)</i></td> </tr> </tbody> </table> 		Category	Maximum Value for individual contracts	WALGA Preferred Supplier Program <i>[F&G.r.11(2)(b)]</i>	\$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 <i>[F&G.r.11(2)(e)]</i>	\$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 <i>[F&G.r.(2)(f)]</i>	\$250,000	Supply of petrol, oil or any other liquid or gas used for internal combustion engines <i>[F&G.r.11(2)(g)]</i>	\$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)	<\$250,000* <i>*as specified in F&G.r.11(2)(h)(ii)</i>
Category	Maximum Value for individual contracts													
WALGA Preferred Supplier Program <i>[F&G.r.11(2)(b)]</i>	\$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 <i>[F&G.r.11(2)(e)]</i>	\$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 <i>[F&G.r.(2)(f)]</i>	\$250,000													
Supply of petrol, oil or any other liquid or gas used for internal combustion engines <i>[F&G.r.11(2)(g)]</i>	\$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)	<\$250,000* <i>*as specified in F&G.r.11(2)(h)(ii)</i>													

Delegation Register

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1. Local Government Act 1995 Delegations

	<u>AND</u> where satisfied that the contract represents value for money. [F&G.r.11(2)(h)]	
	Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)]	\$250,000
	<p>b. Tender exempt procurement under F&G r.11(2)(f) may only be approved where a record is retained that evidences:</p> <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. <p>c. Where the total consideration of a Tender Exempt procurement contract exceeds the \$value delegated above, the decision is to be referred to Council.</p>	
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees	

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<p>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.</p> <p>b. <<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>></p>

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures</p> <p>WALGA Subscription Service – Procurement Toolkit</p> <p>Council Policy 1.3.1 Purchasing Policy</p>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	CD26 Tenders for Goods and Services – Exempt Procurement (last reviewed 15 June 2022 – no change)
2	1.2.19 Tenders for Goods and Services - Exempt Procurement (amended 21 June 2023)

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

1.2.18 Panels of Pre-Qualified Suppliers for Goods and Services

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Express Power or Duty Delegated:	<i>Local Government (Functions and General) Regulation 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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine that there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [F&G r.24AC(1)(b)]. 2. Authority to, before inviting submissions, determine the written criteria for deciding which application should be for inclusion in a panel of pre-qualified suppliers should be accepted [F&G r.24AD(3)]. 3. Authority to vary panel of pre-qualified supplier information after public notice inviting submissions has been given, taking reasonable steps to each person who has enquired or submitted an application is provided notice of the variation [F&G r.24AD(6)]. 4. Authority to reject an application without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation [F&G r.24AH(2)]. 5. Authority to assess applications, by written evaluation of the extent to which the submission satisfies the criteria for deciding which applicants to accept, and decide which applications to accept as most advantageous [F&G r.24AH(3)]. 6. Authority to request clarification of information provided in a submission by an applicant [F&G r.24AH(4)]. 7. Authority to decline to accept any application [F&G r.24AH(5)]. 8. Authority to enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services [F&G r.24AJ(1)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. In accordance with s.5.43, panels of pre-qualified suppliers may only be established, where the total consideration under the resulting contract is \$10,000 or less and the expense is included in the adopted Annual Budget. b. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s:	<<list position titles>>
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Delegation Register

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1. Local Government Act 1995 Delegations

<i>Appointed by CEO</i>	
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<p>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.</p> <p>b. <<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>></p>

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures</p> <p>WALGA Subscription Service – Procurement Toolkit</p> <p>Council Policy 1.3.1 Purchasing Policy</p> <p>Council Policy 1.2.9 Pre-Qualified Supplier Panels</p> <p>Management Procedure 1.2.9 Pre-Qualified Suppliers</p>
Record Keeping:	<p>Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.</p>

Version Control:

1	CD27 Panels of Pre-Qualified Suppliers for Goods and Services (last reviewed 15 June 2022 – no change)
2	1.2.20 Panels of Pre-Qualified Suppliers for Goods and Services (amended 21 June 2023)

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

1.2.19 Application of Regional Price Preference Policy

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Express Power or Duty Delegated:	<i>Local Government (Functions and General) Regulations 1996::</i> r.24G Adopted regional price preference policy, effect of
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to decide when not to apply the regional price preference policy to a particular future tender [F&G r.24G].
Council Conditions on this Delegation:	a. This delegation is to be carried out in accordance with Council's Regional Price Preference Policy and Purchasing Policy and Procedures. b. 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. c. A decision not to apply the Regional Price Preference must be outlined in any public notice and tender documentation related to the tender.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	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.

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:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	CD29 Application of Regional Price Preference Policy (last reviewed 15 June 2022 – no change)
2	1.2.21 Application of Regional price Preference Policy (amended 21 June 2023)

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

1.2.20 Renewal or Extension of Contracts during a State of Emergency

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> Regulation 11 'When tenders have to be publicly invited' Tender exemption under sub regulation 11(2)(ja)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to execute a renewal or extension to the term of a contract that will expire within 3 months, for a term of not more than 12 months from the original expiry date, without calling for tenders [F&G r.11(2)(ja)]. This authority relates to: <ul style="list-style-type: none"> • contracts not formed through a public tender, where the total value of the original term and the proposed extension or renewal exceeds \$250 000, and • contracts formed through a public tender.
Council Conditions on this Delegation:	a. The authority to apply the renewal or extension option may be exercised where one or more of the following principles applies: <ol style="list-style-type: none"> i. It is exercised at the sole discretion of the Local Government; ii. It is in the best interests of the Local Government; iii. It is deemed necessary to facilitate the role of Local Government in relation to the State of Emergency declaration; iv. It has potential to promote local and/or regional economic benefits. b. This authority may only be exercised where the total consideration for the renewal or extension is \$<<value>> or less. c. Contracts may only be renewed or extended where there is an adopted and available budget for the proposed goods and services, OR where the expenditure from an alternative available budget allocation has been authorised in advance by the Mayor or President (i.e. before the expense is incurred) in accordance with LGA s.6.8(1)(c). d. The decision to extend or renew a contract must be made in accordance with the objectives of the Purchasing Policy. e. This authority may only be exercised where the total consideration under the resulting contract is \$<<value which is over \$250,000>> or less. f. The CEO cannot sub-delegate this authority. g. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	Not applicable

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

Compliance Links:	Local Government (Functions and General) Regulations 1996 WALGA Subscription Service – Procurement Toolkit Council Policy 1.3.1 Purchasing Policy <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	1.2.22 Renewal or Extension of Contracts during a State of Emergency (NEW)
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Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

1.2.21 Procurement of Goods or Services required to address a State of Emergency

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> Regulation 11 'When tenders have to be publicly invited' Tender exemption under subregulation 11(2)(aa) Associated definition under subregulation 11(3)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to: <ol style="list-style-type: none"> 1. Determine that particular goods or services with a purchasing value >\$250,000 are required for the purposes of addressing the impact, consequences or need arising from the hazard to which the State of Emergency declaration relates [F&G r11(3)(b)]; and 2. Undertake tender exempt purchasing activity to obtain the supply of those goods or services identified in accordance with point 1 above [F&G r.11(2)(aa)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. This authority may only be exercised where the goods or services are urgently required, and it is not possible for Council to meet within an appropriate timeframe. b. Compliance with the Purchasing Policy is required, but only to the extent that such compliance will not incur an unreasonable delay in providing the required urgent response to the State of Emergency hazard. The rationale for non-compliance with Purchasing Policy must be evidenced in accordance with the Record Keeping Plan. c. Where a relevant budget allocation is not available and a purchase is necessary in response to a State of Emergency, the expenditure from an alternative available budget allocation must be authorised in advance by the Mayor or President (i.e. before the expense is incurred) in accordance with LGA s.6.8. d. The CEO is to inform Council Members after the exercise of this delegation, including details of the contract specification, scope and purchasing value and the rationale for determining that the goods or services were urgently required in response to the State of Emergency declaration. e. The CEO cannot sub-delegate this authority. f. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

Compliance Links:	Local Government (Functions and General) Regulations 1996 WALGA Subscription Service – Procurement Toolkit Council Policy 1.3.1 Purchasing Policy
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	1.2.21 Procurement of Goods or Services required to address a State of Emergency (NEW)
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Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

1.2.22 Disposing of Property

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.58(2) & (3) Disposing of Property <i>Local Government (Functions and General) Regulations 1996:</i> R.30 Dispositions of property excluded from Act s.3.58
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to dispose of property to: <ol style="list-style-type: none"> (a) the highest bidder at public auction [s.3.58(2)(a)]. (b) 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 tender [s.3.58(2)(b)] 2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)]. 3. Authority to dispose of property, that is prescribed as exempt from the provisions of s.3.58: <ol style="list-style-type: none"> (a) disposal of land to an adjoining owner, where the market value is less than \$5,000 and the delegate has determined that the land would not be of benefit to anyone other than the adjoining owner. [F&G.r.30(2)(a)] (b) disposal of land, by lease, to an employee of the local government for use as the employee's residence [F&G.r.30(2)(d)]. (c) disposal of land, by lease, for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land. [F&G..r.30(2)(e)] (d) disposal of land, by lease, of a residential property to a person for residential purposes [F&G.r.30(2)(f)]. (e) disposal of property (other than land / buildings), where the property is disposed within 6 months after it has been unsuccessfully put out to auction, public tender or private treaty via Statewide public notice[F&G.r.(2A)] (f) disposal of property, other than land / buildings, where the market value is determined as less than \$20,000. [F&G r.30(3)(a)] (g) disposal of property, other than land / buildings, where the entire consideration received for the disposal is used to purchase other property AND the total value of the other property is not more, or worth more, than \$75,000. [F&G.r.30(3)(b)]
Council Conditions on this Delegation:	a. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required.

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

	<p>b. In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a value of less than \$<<value>>.</p> <p>c. When determining the method of disposal:</p> <ul style="list-style-type: none"> • Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> ○ Reserve price has been set by independent valuation. ○ Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price. • Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method. • Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: <ul style="list-style-type: none"> ○ Negotiate the sale of the property up to a -10% variance on the valuation; and ○ Consider any public submissions received and determine if to proceed with the disposal, ensuring reasons for the decision are recorded. • A disposal under Functions and General Regulations 30(2)(a),(f), (2A) or (3)(a),(b), the disposal method selected must obtain a best value outcome for the Local Government. • A disposal under Functions and General Regulations 30(2)(d), must be assessed as equitable in context of disposals to other employees of the Local Government. • Disposal methodology must consider and where practicable demonstrate environmentally responsible outcomes. <p>d. <<Council decides the conditions / limitations that apply when using delegated powers or duties>></p>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government Act 1995 – s.3.58 Disposal of Property</p> <p>Local Government (Functions and General) Regulations 1995 – r.30 Dispositions of property excluded from Act s. 3.58</p> <p>Council Policy <<insert ref #>> Disposal of Property</p>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

	persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.
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Version Control:

1	CD05 Disposal of Land (including Buildings) via Lease or Licence (last reviewed 15 June 2022 – no change)
2	1.2.24 Disposing of Property (amended 21 June 2023)

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

1.2.23 Acquisition of Interest in Land by Lease or other Short Term Instrument

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.59 Commercial enterprises by local governments <i>Local Government (Functions and General) Regulations 1996:</i> r.8A Amount prescribed for major land transactions; exempt land transactions prescribed r.8 Exempt land transactions prescribed
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to acquire an interest in land (includes buildings), by lease or other short term instrument ONLY, where the total value of the consideration and anything done by the Shire of Mingenew is less than the threshold amount for a major land transaction [s.3.59(1), r.8A(1)]. 2. Authority to acquire an interest in land by lease or other short term instrument ONLY through an exempt land transaction [s.3.59(1), r.8(1)]: <ol style="list-style-type: none"> a. without intending to produce a profit to the Local Government; and b. without intending that another person will be sold, or given joint or exclusive use of, all or any of the land involved in the transaction.
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Delegation excludes authority to purchase in fee simple land or buildings and is therefore limited to leases, rental or other short term acquisition instruments that do not commit the Local Government for a period greater than <<value>> <<months / years ? >>. b. Delegation is limited to acquisitions that are necessary to achieve an objective determined by Council resolution, including objectives identified in the adopted Corporate Business Plan, a Policy or Strategy and for which an associated budget allocation has been included, and is available, in the Annual Budget. NOTE - <u>Examples</u> of acquisitions necessary to achieve an approved objective may include; hire a venue for a community event or short term lease of storage space for equipment while a refurbishment is completed. c. Where the acquisition total consideration value is greater than \$<<value>>, the value is to be verified by at least one written valuation obtained from a suitably licensed valuer not more than 3-months prior to the execution of the associated acquisition contract. d. In accordance with s.5.43, this delegation is limited to acquisitions that have a total consideration value of \$<<value>> or less. e. Documents that give effect to an acquisition under this delegation, must be executed by a person duly authorised under s.9.49A. f. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to subdelegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government Act 1995 s.3.59 Commercial enterprises by local Government s.9.49A Execution of documents s.6.2 Annual Budget Corporate Business Plan as adopted by Council</p> <p>Local Government (Functions and General) Regulations 1995 – Regulations 8A and 8</p> <p>Residential Tenancy Act 1987</p> <p>Commercial Tenancy (Retail Shops) Agreements Act 1985</p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	<p>Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.</p>

Version Control:

1	1.2.25 Acquisition of Interest in Land by Lease or other Short Term Instrument (NEW)
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Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

1.2.24 Payments from the Municipal or Trust Funds

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Express Power or Duty Delegated:	<i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to make payments from the municipal or trust funds [FM.r.12(1)(a)].
Council Conditions on this Delegation:	a. Authority to make payments is subject to annual budget limitations. b. The purchase of freehold land and real estate are to be by Council Resolution.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<ol style="list-style-type: none"> 1. Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5. 2. Payments by Cheque and EFT transactions must be approved jointly by two Delegates, one of whom must be the Chief Executive Officer, Finance and Administration Manager or Governance and Community Manager. 3. Delegates that approve the payment must not verify the liability. The verification of incurring the liability via the purchase order, invoice and evidence of goods / service received, must be undertaken independent of the payment approval. 4. <<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995 Local Government (Financial Management) Regulations 1996 - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc. Local Government (Audit) Regulations 1996 Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards Department of Local Government, Sport and Cultural Industries: Accounting Manual
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

Version Control:

1	CD01 Payments from Municipal or Trust Funds (last reviewed 15 June 2022 – no change)
2	1.2.26 Payments from the Municipal or Trust Funds (amended 21 June 2023)

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

1.2.25 Defer, Grant Discounts, Waive or Write Off Debts

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.12 Power to defer, grant discounts, waive or write off debts
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Waive a debt which is owed to the Shire of Mingenew [s.6.12(1)(b)]. 2. Grant a concession in relation to money which is owed to the Shire of Mingenew [s.6.12(1)(b)]. 3. Write off an amount of money which is owed to the Shire of Mingenew [s.6.12(1)(c)]
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Write-off a rates or service charge debt up to \$30 in accordance with the Financial Hardship Policy [s.6.12(1)(c) &(2)]. b. A debt may only be waived where: <ol style="list-style-type: none"> i. provisions is made within Council Policy <<insert limitations as appropriate i.e. only to charitable or not for profit community groups / in accordance with Policy XX>> c. A concession may only be granted where: <ol style="list-style-type: none"> i. <<insert limitations as appropriate i.e. only to charitable or not for profit community groups / in accordance with Policy XX>> d. 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. <ol style="list-style-type: none"> i. Limited to individual debts valued below \$<<value>> or cumulative debts of a debtor valued below \$<<value>>. Write off of debts greater than these values must be referred for Council decision. e. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<p><i>WALGA Note: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i></p> <ol style="list-style-type: none"> 1. <<second line manager>> may only waive fees and charges related to their operational responsibilities and where such waiver is to rectify a service failure on the part of the <<Shire/Town/City>> limited to a value less than \$<<value>> per customer within a financial year. 2. <<first line manager>> may waive fees and charges related to their operational responsibilities where such waiver is either to:

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

	<p>i. rectify a service failure on the part of the <<Shire/Town/City>> limited to a value less than \$<<value>> per customer within a financial year; or</p> <p>ii. assist a not for profit community group or charitable entity in fulfilling a service, social or cultural outcome within the <<Shire/Town/City>>.</p> <p>3. Concessions may only be granted where the debtor is <<insert condition / limitation as appropriate>>.</p> <p>4. <<first line manager>> may only write off debts limited to a value of less than \$<<value>> per debtor within a financial year.</p> <p><<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>></p>
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Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Collection of Rates Debts – refer Delegations:</p> <p>1.3.9 Debt Collection Policy 1.3.11 Financial Hardship Policy 1.4.2 Supporting the Community <<insert Ref #>> Agreement as to Payment of Rates and Service Charges <<insert Ref #>> Recovery of Rates or Service Charges <<insert Ref #>> Recovery of Rates Debts – Require Lessee to Pay Rent <<insert Ref #>> Recovery of Rates Debts – Actions to Take Possession of the Land</p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	<p>Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.</p>

Version Control:

1	CD02 Debts, Waivers, concessions, Write Offs and Recovery
2	

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

1.2.26 Power to Invest and Manage Investments

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Express Power or Duty 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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)]. 2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. All investment activity must comply with the Financial Management Regulation 19C and Council Policy 1.3.3 Investment of Surplus Funds and 1.3.3 Investment of Surplus Funds Management Procedure. b. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports. c. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. d. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within every 3 financial years. [Audit r.17].
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<p><i>WALGA Note: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i></p> <ol style="list-style-type: none"> 1. A decision to invest must be jointly confirmed by two Delegates. 2. Investment decisions are limited to a maximum of \$<<value>> per transaction on the short-term money market and up to a value of \$<<value>> per transactions for other markets. 3. Where exposure to a single market or investment type will exceed \$<<value>>, the decision must be referred to the CEO. 4. <<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
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Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

	<p>Local Government (Financial Management) Regulations 1996 – refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a))</p> <p>Council Policy 1.3.3 – Investment of Surplus Funds</p> <p>Management Procedure 1.3.3 – Investment of Surplus Funds</p>
Record Keeping:	<p>Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.</p>

Version Control:

1	CD22 Power to Invest and Manage Investments (last reviewed 15 June 2022 – no change)
2	1.2.28 Power to Invest and Manage Investments (amended 21 June 2023)

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

1.2.27 Agreement as to Payment of Rates and Service Charges

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.49 Agreement as to payment of rates and service charges
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
Council Conditions on this Delegation:	<p>a. Decisions under this delegation must comply with Council Policy <<# Rates Collection / Financial Hardship> Policy>.</p> <p>b. Agreements must be in writing and, subject to the Council Policy <<# Rates Collection / Financial Hardship> Policy>, must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied.</p> <p>c. <<Council decides the conditions / limitations that apply when using delegated powers or duties>></p>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Council Policy 1.3.9 Debt Collection Management Procedure 1.3.9 Debt Collection Council Policy 1.3.10 Financial Hardship
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	CD03 Rates Recovery (last reviewed 15 June 2022 – no change)
2	1.2.27 Agreement as to Payment of Rates and Service Charges (amended 21 June 2023)

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

1.2.28 Determine Due Date for Rates or Service Charges

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.50(2) Rates or service charges due and payable
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine the date on which rates or service charges become due and payable to the Shire of Mingenew [s.6.50].
Council Conditions on this Delegation:	a. Excludes determining the due date and instalment due dates applicable to levying rates as part of the adoption of the annual budget. NOTE - Financial Management Reg.64 specifies that instalment due dates are to be determined when adopting the annual budget. b. Decisions under this delegation are limited to determining due date and instalment due dates applicable to interim rating only.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	CD03 Rates Recovery (last reviewed 15 June 2022 – no change)
2	1.2.31 Determine Due Date for Rates or Service Charges (amended 21 June 2023)

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

1.2.29 Recovery of Rates or Service Charges

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.56 Rates or service charges recoverable in court s.6.64(3) Actions to be taken
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. 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)]. 2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Decisions under this delegation must comply with Council Policy <<# Rates Collection / Financial Hardship> Policy>. b. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Council Policy 1.3.9 Debt Collection Management Procedure 1.3.9 Debt Collection Council Policy 1.3.10 Financial Hardship
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	CD03 Rates Recovery (last reviewed 15 June 2022 – no change)
2	1.2.32 Recovery of Rates or Service Charges (amended 21 June 2023)

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

1.2.30 Recovery of Rates Debts – Require Lessee to Pay Rent

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

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government Act 1995 – refer sections 6.61 and 6.62 and Schedule 6.2 prescribe procedures relevant to exercise of authority under s.6.60.</p> <p>Council Policy 1.3.9 Debt Collection</p> <p>Management Procedure 1.3.9 Debt Collection</p> <p>Council Policy 1.3.10 Financial Hardship</p>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	CD03 Rates Recovery (last reviewed 15 June 2022 – no change)
2	1.2.33 Recovery of Rates Debts – Require Lessee to Pay Rent (amended 21 June 2023)

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

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

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.64(1) Actions to be taken s.6.69(2) Right to pay rates, service charges and costs, and stay proceedings s.6.71 Power to transfer land to Crown or local government s.6.74 Power to have land revested in Crown if rates in arrears 3 years
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to take possession of land and hold the land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years [s.6.64(1)], including: <ol style="list-style-type: none"> i. lease the land, or ii. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: <ol style="list-style-type: none"> I. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or II. cause the land to be transferred to the Shire of Mingenew [s.6.71]. 2. Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, service charges and costs within 7 days of and prior to the proposed sale [s.6.69(2)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Decisions under this delegation must comply with Council Policy <<# Rates Collection / Financial Hardship> Policy>. b. In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale <i>without having</i>, within the previous 3-years attempted to recover the outstanding rates / changes through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes. c. Exercise of this delegation must comply with the procedures set out in Schedule 6.3 of the <i>Local Government Act 1995</i>. d. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government Act 1995 – Part 6, Division 6 Subdivision 6 and Schedule.6.3 prescribe procedures relevant to exercise of authority under this delegation.</p> <p>Local Government (Financial Management) Regulations 1996 – regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation.</p> <p>Council Policy 1.3.9 Debt Collection</p> <p>Management Procedure 1.3.9 Debt Collection</p> <p>Council Policy 1.3.10 Financial Hardship</p>
Record Keeping:	<p>Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.</p>

Version Control:

1	1.2.34 Recovery of Rates Debts - Actions to Take Possession of the Land (NEW)
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Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

1.2.32 Rate Record – Objections

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.76 Grounds of objection
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)]. 2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)].
Council Conditions on this Delegation:	a. A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination under this Delegation.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	CD03 Rates Recovery (last reviewed 15 June 2022 – no change)
2	1.2.35 Rate Record – Objections (amended 21 June 2023)

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

1.3 CEO to Employees

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

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)
Delegate/s:	<<insert employee position title>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.2.9: <ol style="list-style-type: none"> 1. Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP r.6(4)(d)]. 2. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b)]. 3. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP r.6(5)(d)].
CEO Conditions on this Delegation:	<i>WALGA Note: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i> <ol style="list-style-type: none"> a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.9 Obstruction of Footpaths and Thoroughfares. b. Actions under this Delegation must comply with the procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>. c. <<The CEO decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	Nil.

Compliance Links:	This delegated authority is effective only in alignment with Delegated Authority 1.2.9 Obstructions of Footpaths and Thoroughfares. Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Uniform Local Provisions) Regulations 1996 Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>
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Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	CD08 Thoroughfares
2	
3	

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

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

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

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. This delegated authority is effective only in alignment with Delegated Authority 1.2.12 Public Thoroughfares – Dangerous Excavations. Local Government (Uniform Local Provisions) Regulations 1996 Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>
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Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	CD08 Thoroughfares
2	
3	

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

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

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

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>This delegated authority is effective only in alignment with Delegated Authority 1.2.14 Private Works on, over or under Public Places</p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	CD08 Thoroughfares
2	
3	

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

1.3.4 Appoint Persons (other than employees) to Open Tenders

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Functions and Genera) Regulations 1996:</i> r.16(3) Receiving and opening tenders, procedure for
Delegate/s:	Finance and Administration Manager Governance and Community Manager Works Manager
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to appoint one person (other than employees) to be present with an employee of the Local Government to open tenders, when two employees are unable to attend then tender opening [F&G r.16(3)].
CEO Conditions on this Delegation:	a. When exercising authority to authorise persons under F&G.r.16(3): <ul style="list-style-type: none"> • A register of Authorisations is to be maintained as a Local Government Record. • Only persons who are appropriately qualified and trained may be authorised for this purpose. • Authorisations are to be provided in writing by issuing a Certificate of Authorisation.
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

1.3.5 Electoral Enrolment Eligibility Claims and Electoral Roll

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.4.32(4), (5A) & (5) Eligibility to enrol under s.4.30, how to claim s.4.34 Accuracy of enrolment details to be maintained s.4.35 Decision that eligibility to enrol under s.4.30 has ended s.4.37 New roll for each election <i>Local Government (Elections) Regulations 1995:</i> r.11(1a) Nomination of co-owners or co-occupiers — s.4.31 r.13(2) & (4) Register - s.4.32(6)
Delegate/s:	Governance and Community Manager
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)]. 2. Authority to decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)]. 3. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.4.32(5A)]. 4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)]. 5. Authority to approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their families safety at risk [Elections r.13(2)]. 6. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)]. 7. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34]. 8. Authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination. 9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)]. 10. Decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day which is less than 100 days since the last election day [s.4.37(3)].
CEO Conditions on this Delegation:	<ol style="list-style-type: none"> a. Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7). b. <<The CEO decides the conditions / limitations that apply when using delegated powers or duties>>

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

Express Power to Sub-Delegate: Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Department of Local Government, Sport and Cultural Industries: Returning Officer Manual
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

1.3.6 Destruction of Electoral Papers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Elections) Regulations 1996:</i> r.82(4) Keeping election papers – s4.84(a)
Delegate/s:	Governance and Community Manager
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to, after a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [Elect. r.82(4)].
CEO Conditions on this Delegation:	a. <<The CEO decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Department of Local Government, Sport and Cultural Industries: Returning Officer Manual <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	NEW
2	
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Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

1.3.7 Acknowledge Primary and Annual Returns

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	Local Government Act 1995: s.5.77 Acknowledging receipt of returns]
Delegate:	<<insert DIRECTOR'S / EXECUTIVE'S position title>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to, on receipt of a Primary or Annual Return under s.5.75 or 5.76, give the person who submitted the Return written acknowledgement of having received the Return.
CEO Conditions on this Delegation:	<p><i>WALGA Note: {Delete prior to finalising the Register for CEO Decision} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i></p> <p>a. The <<Director / Executive>> may only receive and acknowledge Primary or Annual Returns submitted by designated employees that are under that <<Director / Executive's>> direct supervision or oversight.</p> <p>b. Before issuing a written acknowledgement, the <<Director / Executive>> is to review the content of the Return declaration and consider any probity risks which may be evident from the disclosures in context of the disclosing employee's job role. Where any probity risk is identified the <<Director / Executive>> is to implement appropriate actions in regard to that employee's duties to mitigate the identified risk.</p> <p>d. <<The CEO decides the conditions / limitations that apply when using delegated powers or duties>></p>
Express Power to Sub-Delegate:	NIL.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995, s.5.88 Register of Financial Interests Department of Local Government, Operational Guideline – Primary and Annual Returns. <<insert Local Government name>> Employee Code of Conduct
Record Keeping:	The original Primary or Annual Return and the acknowledgement is to be retained in the Register of Financial Interests kept in accordance with s.5.88 of the Local Government Act 1995.

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
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Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

1.3.8 Appoint Authorised Persons

WALGA Note: {Delete prior to finalising the Register for Council adoption} NEW CEO Delegation inserted to comply with Act amendments proclaimed in Government Gazette 6 November 2020 (SL 2020/212) giving effect to prescribed amendment from the Local Government Amendment Act 2019.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.9.10 Appointment of authorised persons [s.9.10(2)]
Delegate:	<<insert employee position title>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>1. Authority to appoint persons or classes of persons as authorised persons [s.9.10(2)] for the purpose of fulfilling functions of an authorised person prescribed in the following legislation inclusive of subsidiary legislation made under each Act i.e. Regulations:</p> <p>(a) Local Government Act 1995 and its subsidiary legislation, including Local Government Act Regulations, the <i>Local Government (Miscellaneous Provisions) Act 1960</i> and Local Laws made under the Local Government Act.</p> <p>(b) <i>Caravan Parks and Camping Grounds Act 1995</i>;</p> <p>(c) <i>Cat Act 2011</i>;</p> <p>(d) <i>Cemeteries Act 1986</i>;</p> <p>(e) <i>Control of Vehicles (Off-road Areas) Act 1978</i>;</p> <p>(f) <i>Dog Act 1976</i>;</p> <p>(g) Graffiti Vandalism Act 2016 – refer s.15; and</p> <p>(e) any other legislation prescribed for the purposes of s.9.10 of the <i>Local Government Act 1995</i>.</p>
CEO Conditions on this Delegation:	<p><i>WALGA Note: {Delete prior to finalising the Register for CEO Decision} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i></p> <p>a. A register of Authorisations is to be maintained as a Local Government Record.</p> <p>b. Only persons who are appropriately qualified and trained may be appointed as Authorised persons.</p> <p>c. A person to be appointed as authorised officer in accordance with Regulation 70(2) of the Building Regulations 2012 and section 6(b) of the <i>Criminal Procedure Act 2004</i> MUST first be appointed as an authorised person for the purposes of section 9.16 of the <i>Local Government Act 1995</i>.</p> <p>d. <<The CEO decides the conditions / limitations that apply when using delegated powers or duties>></p>
Express Power to Sub-Delegate:	NIL.

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file. A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.

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Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

1.3.9 Information to be Available to the Public

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Administration) Regulations 1996:</i> r.29B Copies of certain information not to be provided (Act s.5.96) <i>Local Government Act 1995:</i> s.5.95(1)(b) & (3)(b) Limits on right to inspect local government information
Delegate/s:	Finance and Administration Manager Governance and Community Manager
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine the manner and form by which a person may request copies of rates record information [s.5.94(m)] or owners and occupiers register and electoral rolls [s.5.94(s)] and to make the information available, if satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes [Admin r.29B]. 2. Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s.5.95(1)(b)]. 3. Authority to determine not to provide a right to inspect information contained in notice papers, agenda, minutes, or information tabled at a meeting, where it is considered that that part of the meeting could have been closed to members of the public but was not closed [s.5.94(3)(b)].
CEO Conditions on this Delegation:	a. <<The CEO decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

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Shire of Mingenew

1. Local Government Act 1995 Delegations

1.3.10 Financial Management Systems and Procedures

WALGA Note: {Delete prior to finalising the Register for Council adoption}

The CEO duties under Financial Management Regulation 5 are a primary and important control for effective financial management and the mitigation of risk. It is recommended that unless the CEO is fulfilling this duty themselves, they delegated authority to ensure the responsibility is clearly assigned. Also, whilst the Audit Regulations [r.17(1)(b) & (2)] requires the CEO to review procedures and report the outcomes of the review to the Audit Committee at least once in every 3 financial years, WALGA recommends as a condition on this delegation that the review occur annually, providing rigorous oversight and in preparedness for audits.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Financial Management) Regulations 1996:</i> r.5 CEO's Duties as to financial management
Delegate/s:	<<insert employee position title>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to establish systems and procedures [FM r.5] that give effect to internal controls and risk mitigation for the: <ol style="list-style-type: none"> i. Collection of money owed to the Shire of Mingenew; ii. Safe custody and security of money collected or held by the Shire of Mingenew; iii. Maintenance and security of all financial records, including payroll, stock control and costing records; iv. Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities; v. Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards; vi. Making of payments in accordance with Delegated Authority XXX; vii. Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements.
CEO Conditions on this Delegation:	<p><i>WALGA Note: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i></p> <ol style="list-style-type: none"> a. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. b. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within each 3 financial years. [Audit r.17] c. When exercising authority to authorise persons under FM.r.5 to incur liabilities: <ul style="list-style-type: none"> • A register of Authorisations is to be maintained as a Local Government Record. • Only persons who are appropriately qualified and trained may be authorised for this purpose.

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

	<ul style="list-style-type: none"> • Authorisations are to be provided in writing by issuing a Certificate of Authorisation. <p>d. <<The CEO decides the conditions / limitations that apply when using delegated powers or duties>></p>
Express Power to Sub-Delegate:	Nil.

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government Act 1995</p> <p>Local Government (Financial Management) Regulations 1996</p> <p>Local Government (Audit) Regulations 1996</p> <p>Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards</p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	<p>Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.</p>

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1. Local Government Act 1995 Delegations

1.3.11 Audit – CEO Review of Systems and Procedures

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	Local Government (Audit) Regulations 1996: r.17 CEO to review certain systems and procedures
Delegate/s:	<<insert employee position title>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to conduct the review of the appropriateness and effectiveness of the <<Shire/Town/City>>'s systems and procedures in relation to <ol style="list-style-type: none"> i. risk management; and ii. internal controls; and iii. legislative compliance [r.17(1)].
CEO Conditions on this Delegation:	<p><i>WALGA Note: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i></p> <ol style="list-style-type: none"> a. Each matter is to be reviewed at least once within every 3 financial years, with a report on each matter to be provided to the Audit and Risk Committee that details the findings, including any identified deficiencies, and actions required. b. <<The CEO decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Audit) Regulations 1996 <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

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1. Local Government Act 1995 Delegations

1.3.12 Infringement Notices

WALGA Note: {Delete prior to finalising the Register for Council adoption}

A Delegate who has been delegated authority to withdraw an infringement must NOT be appointed as an authorised person for the purposes of issuing an infringement notice.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.9.13(6)(b) Onus of proof in vehicle offences may be shifted s.9.19 Extension of Time s.9.20 Withdrawal of Notice <i>Building Regulations 2012:</i> Regulation 70(1A), (1), (2) Approved officers and authorised officers
Delegate/s:	<<insert employee position title>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to consider an owner of a vehicle's submission that the vehicle that is subject of an infringement notice, had been stolen or unlawfully taken at the time of the alleged offence [s.9.13(6)(b)]. 2. Authority to extend the 28-day period within which payment of a modified penalty may be paid, whether or not the period of 28-days has elapsed [s.9.19]. 3. Authority to withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s.9.20].
CEO Conditions on this Delegation:	<p><i>WALGA Note: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i></p> <ol style="list-style-type: none"> a. A delegate who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this Delegation. b. Delegation for Dog Act, Cat Act, Parking Local Law, <<insert other relevant Acts / Local Laws>> Infringement Notices is limited to the following listed positions ONLY: <ol style="list-style-type: none"> (i) <<insert position title/s>> (ii) <<insert position title/s>> c. The following listed positions are delegated the functions under s.9.19 and s.9.20 only as a <u>precondition for appointment</u> as an "Approved Officer" in accordance with <i>Building Regulation 70(1)</i> for the purposes of the <i>Criminal Procedure Act 2004</i> section 6(a) and <i>Building Act 2011</i> Infringement Notices:: <ol style="list-style-type: none"> (i) <<insert position title/s>> (ii) <<insert position title/s>> <p>NOTE: <i>Delegates must also be appointed as an "Approved Officer" – appointment to be determined by Council resolution or by a person with delegated authority under delegation 2.1.10.</i></p>

Delegation Register

Shire of Mingenew

1. Local Government Act 1995 Delegations

	d. <<The CEO decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

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2. Building Act 2011 Delegations

2 Building Act 2011 Delegations

2.1 Council to CEO

2.1.1 Grant a Building Permit

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

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation:	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Delegation Register

Shire of Mingenew

2. Building Act 2011 Delegations

<p>Conditions on the delegation also apply to sub-delegation.</p>	
<p>Compliance Links:</p>	<p>Building Act 2011 s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit s.17 Uncertified application to be considered by building surveyor</p> <p>Building Regulations 2012 – r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT</p> <p><i>Building Services (Registration Act) 2011 – Section 7</i></p> <p><i>Home Building Contracts Act 1991 – Part 3A, Division 2 – Part 7, Division 2</i></p> <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage Act 2018</i></p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
<p>Record Keeping:</p>	<p>Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.</p>

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2. Building Act 2011 Delegations

2.1.2 Demolition Permits

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

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	Building Act 2011 s.119 Building and demolition permits – application for review by SAT
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Shire of Mingenew

2. Building Act 2011 Delegations

	<p>s.23 Time for deciding application for building or demolition permit</p> <p><i>Building Services (Complaint Resolution and Administration) Act 2011 -- Part 7, Division 2</i></p> <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage Act 2018</i></p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	<p>Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.</p>

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2. Building Act 2011 Delegations

2.1.3 Occupancy Permits or Building Approval Certificates

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

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	<p><u>Building Act 2011</u></p> <p>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</p> <p><i>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2</i></p> <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage Act 2018</i></p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of

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2. Building Act 2011 Delegations

	persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.
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2. Building Act 2011 Delegations

2.1.4 Designate Employees as Authorised Persons

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.96(3) authorised persons s.99(3) Limitation on powers of authorised person
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to designate an employee as an authorised person [s.96(3)]. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Decisions under this delegated authority should be in accordance with r.5 of the Building Regulations 2012. b. NOTE: An <i>authorised person</i> for the purposes of sections 96(3) and 99(3) is <u>not</u> an <i>approved officer</i> or <i>authorised officer</i> for the purposes of Building Reg. 70. c. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	<p><u>Building Act 2011:</u></p> <p>s.97 each designated authorised person must have an identity card.</p> <p>r.5A Authorised persons (s.3) – definition</p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

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2. Building Act 2011 Delegations

2.1.5 Building Orders

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

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	<i>Building Act 2011:</i> 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
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Delegation Register

Shire of Mingenew

2. Building Act 2011 Delegations

	Part 9 Review - s.122 Building orders – application for review by SAT <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	CD33 Building Orders
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Delegation Register

Shire of Mingenew

2. Building Act 2011 Delegations

2.1.6 Inspection and Copies of Building Records

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

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	Building Act 2011 - s.146 Confidentiality <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	CD34 Inspection and Copies of Building Records
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Delegation Register

Shire of Mingenew

2. Building Act 2011 Delegations

2.1.7 Authorise persons to commence proceedings

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.133(1) A permit authority may commence a prosecution for an offence against this Act
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to authorise a person to commence a prosecution for an offence against the Building Act 2011 [s.133(1)(b)].
Council Conditions on this Delegation:	a. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	<i>Building Act 2011</i> - s.146 Confidentiality <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	NEW
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Delegation Register

Shire of Mingenew

2. Building Act 2011 Delegations

2.1.8 Referrals and Issuing Certificates

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

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	CD35 Referrals and Issuing Certificates
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Delegation Register

Shire of Mingenew

2. Building Act 2011 Delegations

2.1.9 Private Pool Barrier – Alternative and Performance Solutions

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

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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Delegation Register

Shire of Mingenew

2. Building Act 2011 Delegations

2.1.10 Smoke Alarms – Alternative Solutions

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

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	CD36 Smoke Alarms – Alternative Solutions
2	
3	

Delegation Register

Shire of Mingenew

2. Building Act 2011 Delegations

2.1.11 Appoint approved officers and authorised officers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Regulations 2012:</i> r.70 Approved officers and authorised officers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>1. Authority to appoint an approved officer for the purposes of s.6(a) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(1) and (1A).</p> <p><i>NOTE: Only employees delegated under s 5.44(1) of the Local Government Act 1995 with power under s 9.19 or 9.20 may be appointed as "approved officers".</i></p> <p>2. Authority to appoint an authorised officer for the purposes of s.6(b) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(2).</p> <p><i>NOTE: Only employees appointed under s 9.10 of the Local Government Act 1995 and authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as "authorised officers" for the purposes of Building Regulation 70(2).</i></p>
Council Conditions on this Delegation:	a. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	<i>Building Regulations 2012:</i> r 70(3) each authorised officer must be issued a certificate of appointment. <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	NEW
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Delegation Register

Shire of Mingenew

3. Bush Fires Act 1954 Delegations

3 Bush Fires Act 1954 Delegations

3.1 Council to CEO, Mayor and Bush Fire Control Officer

3.1.1 Make Request to FES Commissioner – Control of Fire

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.13(4) Duties and powers of bush fire liaison officers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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)].
Council Conditions on this Delegation:	a. Subject to liaison with the Chief Bush Fire Control Officer and/or Deputy Bush Fire Control Officer and at least one Bushfire Brigade Captain.
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	CD37 Make Request to FES Commissioner – Control of Fire
2	
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Delegation Register

Shire of Mingenew

3. Bush Fires Act 1954 Delegations

3.1.2 Prohibited Burning Times - Vary

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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))
Express Power or Duty 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
Delegate:	[President / Mayor] and Chief Bush Fire Control Officer (jointly)
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer [s.17(7)].
Council Conditions on this Delegation:	<i>WALGA Note: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i> a. Decisions under s,17(7) must be undertake jointly by both the [President / Mayor] and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8). b. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Mingenew

3. Bush Fires Act 1954 Delegations

3.1.3 Prohibited Burning Times – Control Activities

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty 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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15]. 2. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C]. 3. Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)]. 4. Authority to issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)]. 5. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)]. 6. Authority to recover the cost of measures taken by the Shire of 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)].
Council Conditions on this Delegation:	<i>WALGA Note: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i> a. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Delegation Register

Shire of Mingenew

3. Bush Fires Act 1954 Delegations

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

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Delegation Register

Shire of Mingenew

3. Bush Fires Act 1954 Delegations

3.1.4 Restricted Burning Times – Vary and Control Activities

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty 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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority, where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18(5)]. <ol style="list-style-type: none"> a. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C]. 2. Authority, where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)]. 3. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15]. 4. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)]. 5. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C]. 6. Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B]. 7. Authority to issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)]. 8. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for

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Shire of Mingenew

3. Bush Fires Act 1954 Delegations

	<p>use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].</p> <p>9. 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)].</p>
Council Conditions on this Delegation:	a. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	CD39 Restricted Burning Times – Vary and Control Activities
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Delegation Register

Shire of Mingenew

3. Bush Fires Act 1954 Delegations

3.1.5 Control of Operations Likely to Create Bush Fire Danger

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

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	NEW
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Delegation Register

Shire of Mingenew

3. Bush Fires Act 1954 Delegations

3.1.6 Burning Garden Refuse / Open Air Fires

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty 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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)]. 2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)]. <ol style="list-style-type: none"> a. Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3) and r.33(5)]. b. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plan growing upon any land within the District [r.34]. 3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of: <ol style="list-style-type: none"> a. camping or cooking [s.25(1)(a)]. b. conversion of 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)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	NIL – Sub-delegation is prohibited by s.48(3)

Delegation Register

Shire of Mingenew

3. Bush Fires Act 1954 Delegations

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	CD40 Burning Garden Refuse / Open Air Fires
2	
3	

Delegation Register

Shire of Mingenew

3. Bush Fires Act 1954 Delegations

3.1.7 Firebreaks

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.33 Local government may require occupier of land to plough or clear fire-breaks
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring: <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)]. d. determine that these matters have been acted upon to the satisfaction of the Shire of Mingenew. 2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)]. <ol style="list-style-type: none"> a. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].
Council Conditions on this Delegation:	a. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	CD41 Firebreaks
2	
3	

Delegation Register

Shire of Mingenew

3. Bush Fires Act 1954 Delegations

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

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

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	NEW
2	
3	

Delegation Register

Shire of Mingenew

3. Bush Fires Act 1954 Delegations

3.1.9 Control and Extinguishment of Bush Fires

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.46 Bush fire control officer or forest officer may postpone lighting fire
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46(1A)]. <ol style="list-style-type: none"> a. Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised CALM Act office is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)].
Council Conditions on this Delegation:	a. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Mingenew

3. Bush Fires Act 1954 Delegations

3.1.10 Recovery of Expenses Incurred through Contraventions of this Act

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

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Mingenew

3. Bush Fires Act 1954 Delegations

3.1.11 Prosecution of Offences

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

Compliance Links:	<i>Bush Fires Act 1954:</i> s.65 Proof of certain matters s.66 Proof of ownership or occupancy <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Mingenew

4. Cat Act 2011 Delegations

4 Cat Act 2011 Delegations

4.1 Council to CEO

4.1.1 Cat Registrations

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags <i>Cat Regulations 2012</i> Schedule 3, cl.1(4) Fees Payable
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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 <<Shire/Town/City>>'s District [Regs. Sch. 3 cl.1(4)].
Council Conditions on this Delegation:	<p><i>WALGA Note: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i></p> <ol style="list-style-type: none"> a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i>. b. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	Cat Regulations 2012
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Delegation Register

Shire of Mingenew

4. *Cat Act 2011 Delegations*

	<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>Decisions are subject to Objection and Review by the State Administration Tribunal rights – refer Part 4, Division 5 of the <i>Cat Act 2011</i>.</p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	<p>Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.</p>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Mingenew

4. Cat Act 2011 Delegations

4.1.2 Cat Control Notices

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.26 Cat control notice may be given to cat owner
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire of Mingenew's District [s.26].
Council Conditions on this Delegation:	a. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	<i>Cat Regulations 2012 – r.20</i> Cat control notice [s.23(3)], prescribes the Form of the notice. <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	CD19 Certain duties under the Cat Act 2011
2	
3	

Delegation Register

Shire of Mingenew

4. Cat Act 2011 Delegations

4.1.3 Approval to Breed Cats

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

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	<p>Cat Regulations 2012:</p> <ul style="list-style-type: none"> r.21 Application for approval to breed cats (s.36(2)) r.22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f)) r.23 Person who not be refused approval to breed cats (s.37(5)) r.24 Duration of approval to breed cats (s.37(6)) r.25 Certificate given to approved cat breeder (s.39(1)) <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Delegation Register

Shire of Mingenew

4. Cat Act 2011 Delegations

Version Control:

1	CD19 Certain duties under the Cat Act 2011
2	
3	

Delegation Register

Shire of Mingenew

4. Cat Act 2011 Delegations

4.1.4 Recovery of Costs – Destruction of Cats

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.49(3) Authorised person may cause cat to be destroyed
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)].
Council Conditions on this Delegation:	<i>WALGA Note: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i> a. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>
Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	
2	

Delegation Register

Shire of Mingenew

4. Cat Act 2011 Delegations

4.1.5 Authorise a person to perform Specified functions under the Cat Act 2011

WALGA Note: {Delete prior to finalising the Register for Council adoption} This is a NEW template delegation inserted in the WALGA Template Register as at April 2023.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.73 Prosecutions
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to authorise a person to commence a prosecution for an offence against the Cat Act 2011 <<and the {insert LG name} Cat Local Law YYYY>> [s.73(1)(b) & (2)(b)]
Council Conditions on this Delegation:	<i>WALGA Note: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i> a. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	
2	

Delegation Register

Shire of Mingenew

4. Cat Act 2011 Delegations

4.1.6 Applications to Keep Additional Cats

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to require any document or additional information required to determine an application [r.8(3)] 2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)]. 2. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9].
Council Conditions on this Delegation:	<p><i>WALGA Note: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i></p> <ol style="list-style-type: none"> a. 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>. b. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	CD19 Certain duties under the Cat Act 2011
2	

Delegation Register

Shire of Mingenew

4. Cat Act 2011 Delegations

4.1.7 Reduce or Waiver Registration Fee

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Regulations 2012:</i> Schedule 3 Fees clause 1(4)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat.
Council Conditions on this Delegation:	<i>WALGA Note: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i> a. This delegation does NOT provide authority to determine to reduce or waiver the fees payable in regard to any <u>class of cat</u> within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the <i>Local Government Act 1995</i> . b. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	CD19 Certain duties under the Cat Act 2011
2	

Delegation Register

Shire of Mingenew

4. Cat Act 2011 Delegations

4.2 Cat Act Delegations - CEO to Employees

4.2.1 Infringement Notices – Extensions and Withdrawals

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.64 Extension of time s.65 Withdrawal of notice
Delegate/s:	[insert position title]
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed [s.64]. 2. Authority, within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s.65].
CEO Conditions on this Delegation:	a. <<The CEO decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	Nil.

Compliance Links:	<i>Cat Regulations 2012:</i> r.28 Withdrawal of infringement notice (s.65(1)) <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Mingenew

5. Dog Act 1976 Delegations

5 Dog Act 1974 Delegations

5.1 Dog Act Delegations Council to CEO

5.1.1 Appoint Registration Officer

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.3 Terms Used (<i>Registration officer means a person authorised by the local government to effect the registration of dogs pursuant to this Act</i>)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to authorise a person for the purposes of performing the prescribed office of Registration Officer under the Dog Act 1976 [s.3].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. A register of Authorisations is to be maintained as a Local Government Record. c. Only persons who are appropriately qualified and trained may be appointed as Authorised persons. d. Authorisations are to be provided in writing by issuing a Certificate of Authorisation. e. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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Delegation Register

Shire of Mingenew

5. Dog Act 1976 Delegations

2	
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Delegation Register

Shire of Mingenew

5. Dog Act 1976 Delegations

5.1.2 Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.10A Payments to veterinary surgeons towards costs of sterilisation
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine where a resident who is the owner of a registered dog, would suffer hardship in paying the whole of the cost of sterilisation and determine to pay part of such costs to a maximum value of \$<<value>> [s.10A(1)(a) and (3)]. 2. Authority to give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation [s.10A(1)(b) and (2)].
Council Conditions on this Delegation:	<p><i>WALGA Note: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i></p> <ol style="list-style-type: none"> a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	

Delegation Register

Shire of Mingenew

5. Dog Act 1976 Delegations

5.1.3 Refuse or Cancel Registration

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.15(2) and (4A) Registration periods and fees s.16(3) Registration procedure s.17A(2) If no application for registration made s.17(4) and (6) Refusal or cancellation of registration
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)]. 2. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: <ol style="list-style-type: none"> i. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the <i>Cat Act 2011</i> or the <i>Animal Welfare Act 2002</i>; 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/Town/City>> 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 been found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]
Council Conditions on this Delegation:	<i>WALGA Note: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i> <ol style="list-style-type: none"> a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Delegation Register

Shire of Mingenew

5. Dog Act 1976 Delegations

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	<p><i>Dog Act 1976</i></p> <p>s.17A If no application for registration made – procedure for giving notice of decision under s.16(3)</p> <p>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and (6)</p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	<p>Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.</p>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Mingenew

5. Dog Act 1976 Delegations

5.1.4 Grant Exemption as to Number of Dogs Kept at Premises

WALGA Note: {Delete prior to finalising the Register for Council adoption} This is a NEW template delegation inserted in the WALGA Template Register as at April 2023 and this delegation can only be made where the Local Government has made a Dog Local Law, which includes provisions that limit the number of dogs that may be kept.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.26(3) Limitation as to numbers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to approve, and determine conditions that apply to, an exemption as to the limit to the number of dogs that can be kept at a premises [s.26(3)].
Council Conditions on this Delegation:	<p><i>WALGA Note: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i></p> <ol style="list-style-type: none"> a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. Decisions under this delegation must comply with the relevant provisions of the Dog Act 1976 and the <<insert LG name>> Dogs Local Law, including: <ul style="list-style-type: none"> • Consider and be satisfied that for any particular premises the provisions of the Dog Act 1976 relating to kennel establishments need not be applied in the circumstances [s.26(3)]. • Apply the provisions of s.26(4). c. Conditions that must be applied to an approved exemption, include: <ul style="list-style-type: none"> • Fencing at the premises must be adequate and maintained to prevent the dogs from leaving the premises, to the satisfaction of the CEO. • Registrations for each dog subject of the approved exemption must be current and maintained. • An exemption applies only to the dogs registered and listed in the approval and as such cannot be transferred to another dog. d. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Delegation Register

Shire of Mingenew

5. Dog Act 1976 Delegations

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	

Delegation Register

Shire of Mingenew

5. Dog Act 1976 Delegations

5.1.5 Kennel Establishments

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.27 Licensing of approved kennel establishments
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)].
Council Conditions on this Delegation:	<i>WALGA Note: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i> a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. Application processing and decisions under this delegation are to comply with the <<insert LG name>> Dogs Local Law. c. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	

Delegation Register

Shire of Mingenew

5. Dog Act 1976 Delegations

5.1.6 Recovery of Moneys Due Under this Act

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.29(5) Power to seize dogs
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)].
Council Conditions on this Delegation:	<i>WALGA Note: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i> a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	Includes recovery of expenses relevant to: s.30A(3) Operator of dog management facility may have dog microchipped at owner's expense s.33M Local government expenses to be recoverable. s.47 Veterinary service expenses recoverable from local government r.31 Local government expenses as to dangerous dogs (declared) <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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Delegation Register

Shire of Mingenew

5. Dog Act 1976 Delegations

5.1.7 Dispose of or Sell Dogs Liable to be Destroyed

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.29(11) Power to seize dogs
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].
Council Conditions on this Delegation:	<i>WALGA Note: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i> a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. Proceeds from the sale of dogs are to be directed into the Municipal Fund. c. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	

Delegation Register

Shire of Mingenew

5. Dog Act 1976 Delegations

5.1.8 Declare Dangerous Dog

WALGA Note: {Delete prior to finalising the Register for Council adoption}

Section 33E also provides that this power may be exercised by an Authorised Person. If the Local Government has appointed an Authorised Person for this purpose (specified in the Certificate of Authorisation for the purposes of s.33E), then this Delegation is not required.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33E(1) Individual dog may be declared to be dangerous dog (declared)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to declare an individual dog to be a dangerous dog [s.33E(1)].
Council Conditions on this Delegation:	<i>WALGA Note: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i> a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	

Delegation Register

Shire of Mingenew

5. Dog Act 1976 Delegations

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

WALGA Note: {Delete prior to finalising the Register for Council adoption}

*Delegation of the s.33F power to deal with an objection to a dangerous dog declaration **should not** be delegated to the same person / position who is delegated / authorised to exercise s.33E powers enabling the declaration of a dangerous dog.*

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33F(6) Owners to be notified of making of declaration s.33G(4) Seizure and destruction s.33H(1) and (2) Local government may revoke declaration or proposal to destroy
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)]. 2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)]. 3. Authority to revoke a declaration of a dangerous dog or 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)].
Council Conditions on this Delegation:	<p><i>WALGA Note: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i></p> <ol style="list-style-type: none"> a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	<p>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – See s.33H(5) of the <i>Dog Act 1976</i></p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
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Delegation Register

Shire of Mingenew

5. Dog Act 1976 Delegations

Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.
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Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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3	

Delegation Register

Shire of Mingenew

5. Dog Act 1976 Delegations

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

WALGA Note: {Delete prior to finalising the Register for Council adoption}

*Delegation of the s.33H(5) power to deal with an objection **should not** be delegated to the same person / position who is delegated / authorised to exercise s.33H(1) and (2).*

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33H(5) Local government may revoke declaration or proposal to destroy
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]: (a) a notice declaring a dog to be dangerous; or (b) a notice proposing to cause a dog to be destroyed.
Council Conditions on this Delegation:	<i>WALGA Note: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i> a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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Delegation Register

Shire of Mingenew

5. Dog Act 1976 Delegations

5.1.11 Determine Recoverable Expenses for Dangerous Dog Declaration

WALGA Note: {Delete prior to finalising the Register for Council adoption}

Delegation does not include s.33M(1)(b) as the setting of a fixed fee is recommended to occur by Council resolution in accordance with s.6.16 of the Local Government Act 1995.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33M(1)(a) Local Government expenses to be recoverable
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to 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)].
Council Conditions on this Delegation:	<i>WALGA Note: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i> a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

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6. Food Act 2008 Delegations

6 Food Act 2008 Delegations

WALGA Note: {Delete prior to finalising the Register for Council adoption}

Note that any references to CEO in the Food Act 2008 mean the CEO of the Department of Health. Therefore, no powers or duties are assigned to the CEO of a Local Government within this Act.

WALGA Note: {Delete prior to finalising the Register for Council adoption}

As there is no power of sub-delegation available, it is important for each delegation under the Food Act 2008 to be made to a Delegate or Delegates most suitable for fulfilling the power or duty.

6.1 Council to CEO

6.1.1 Determine Compensation

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

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of

Delegation Register

Shire of Mingenew

6. Food Act 2008 Delegations

	persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.
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6. Food Act 2008 Delegations

6.1.2 Prohibition Orders and Certificates of Clearance

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
Delegate:	<<Position title/s>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)]. 2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66]. 3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].
Council Conditions on this Delegation:	<p><i>WALGA Note: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i></p> <ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	<p>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

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6. Food Act 2008 Delegations

6.1.3 Food Business Registrations

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.110(1) and (5) Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses
Delegate:	<<Position title/s>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)]. 2. Authority to vary the conditions or cancel the registration of a food business [s.112].
Council Conditions on this Delegation:	<p><i>WALGA Note: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i></p> <ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ul style="list-style-type: none"> • 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 b. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

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6. Food Act 2008 Delegations

6.1.4 Appoint Authorised Officers and Designated Officers

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

Compliance Links:	<p>s.122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers</p> <p>s.123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed</p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

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6. Food Act 2008 Delegations

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6. Food Act 2008 Delegations

6.1.5 Debt Recovery and Prosecutions

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.54 Cost of destruction or disposal of forfeited item s.125 Institution of proceedings
Delegate:	<<Position title/s>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)]. 2. Authority to institute proceedings for an offence under the Food Act 2008 [s.125].
Council Conditions on this Delegation:	<p><i>WALGA Note: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i></p> <ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

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6. Food Act 2008 Delegations

6.1.6 Food Businesses List – Public Access

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> r.51 Enforcement agency may make list of food
Delegate:	<<Position title/s>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].
Council Conditions on this Delegation:	<i>WALGA Note: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

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7. Graffiti Vandalism Act 2016 Delegations

7 Graffiti Vandalism Act 2016 Delegations

WALGA Note: {Delete prior to finalising the Register for Council adoption}

Note that a reference to CEO in the Graffiti Vandalism Act 2016, only means a Local Government CEO, where the reference appears in Part 3 of the Act. In all other instances a reference to CEO in the Graffiti Vandalism Act will mean the CEO of the Public Sector Agency responsible for administration of the Act (i.e. Commissioner of Police as the head of the Police Service).

7.1 Council to CEO

7.1.1 Give Notice Requiring Obliteration of Graffiti

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

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

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7. Graffiti Vandalism Act 2016 Delegations

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7. Graffiti Vandalism Act 2016 Delegations

7.1.2 Notices – Deal with Objections and Give Effect to Notices

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

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

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7. Graffiti Vandalism Act 2016 Delegations

7.1.3 Obliterate Graffiti on Private Property

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</i> s.25(1) Local government graffiti powers on land not local government property
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s.25(1)].
Council Conditions on this Delegation:	<i>WALGA Note: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i> a. Subject to exercising Powers of Entry. b. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

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7. Graffiti Vandalism Act 2016 Delegations

7.1.4 Powers of Entry

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

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

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8. Public Health Act 2016 Delegations

8 Public Health Act 2016 Delegations

8.1 Council to CEO

8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Health (Asbestos) Regulations 1992:</i> r.15D(7) Infringement Notices
Express Power or Duty Delegated:	<i>Health (Asbestos) Regulations 1992:</i> r.15D(5) Infringement Notices
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 [r.15D(5)].
Council Conditions on this Delegation:	<i>WALGA Note: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i> a. Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)]. b. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	Nil – the <i>Health (Asbestos) Regulations 1992</i> do not provide a power to sub-delegate.

Compliance Links:	<i>Criminal Procedure Act 2004 – Part 2</i> <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

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8. Public Health Act 2016 Delegations

8.1.2 Enforcement Agency Reports to the Chief Health Officer

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.22 Reports by and about enforcement agencies
Delegate:	<i>WALGA Note: {Delete prior to finalising the Register for Council adoption} s.21 provides that powers may only be delegated to the CEO <u>OR</u> an Authorised Officer designated under s.24.</i> Chief Executive Officer OR <<Designated Authorised Officer - Position Title>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Shire of Mingenew [s.22(1)] 2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].
Council Conditions on this Delegation:	<i>WALGA Note: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i> a. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Compliance Links:	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies. <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Mingenew

8. Public Health Act 2016 Delegations

8.1.3 Designate Authorised Officers

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

Compliance Links:	<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
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Delegation Register

Shire of Mingenew

8. Public Health Act 2016 Delegations

	<p>s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers</p> <p>s.30 Certificates of authority</p> <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><i>Criminal Investigation Act 2006, Parts 6 and 13 – refer s.245 of the Public Health Act 2016</i></p> <p><i>The Criminal Code, Chapter XXVI – refer s.252 of the Public Health Act 2016</i></p> <p style="background-color: yellow;"><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	<p>Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.</p>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Mingenew

8. Public Health Act 2016 Delegations

8.1.4 Appoint Designated Officer – Information Sharing

WALGA Note: {Delete prior to finalising the Register for Council adoption} This is a NEW template delegation inserted in the WALGA Template Register as at April 2023.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.299 Information Sharing
Delegate:	<i>WALGA Note: {Delete prior to finalising the Register for Council adoption} s.21 provides that powers may only be delegated to the CEO <u>OR</u> an <u>Authorised Officer</u> designated under s.24.</i> Chief Executive Officer OR <<Designated Authorised Officer - Position Title>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority, to appoint Designated Officer/s for the purposes of s.299 [s.299(1)].
Council Conditions on this Delegation:	<i>WALGA Note: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i> a. Appointments must be consistent with requirements outlined in the Chief Health Officer's Information Sharing Guideline , prepared in accordance with s.300. b. <<Council decides the conditions / limitations that apply when using delegated powers or duties>>
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Compliance Links:	<i>Public Health Act 2016</i> s.300 Guidelines relating to information sharing. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Mingenew

9. Planning and Development Act 2005 Delegations

9 Planning and Development Act 2005 Delegations

9.1 Council to CEO

9.1.1 Dealing with and Approving Development Applications

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government															
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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> <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>															
Express Power or Duty 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>															
Delegate:	Chief Executive Officer															
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>Authority to:</p> <ol style="list-style-type: none"> Approve certain development applications in accordance with the conditions below. Refer any development application for Council decision where the application may be contentious, or refusal of the application is recommended. Give notice with regard to local planning scheme amendments [r.64] 															
Council Conditions on this Delegation:	<p>a. 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"> <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>	Type	Description	Meaning	"P"	Permitted	means that the use is permitted if it complies with all relevant development standards and requirements of the Scheme	"I"	Incidental	means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with all relevant development standards and requirements of the Scheme	"D"	Discretionary	means that the use is not permitted unless the local government has exercised its discretion by granting development approval	"A"	Advertising	means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions;
Type	Description	Meaning														
"P"	Permitted	means that the use is permitted if it complies with all relevant development standards and requirements of the Scheme														
"I"	Incidental	means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with all relevant development standards and requirements of the Scheme														
"D"	Discretionary	means that the use is not permitted unless the local government has exercised its discretion by granting development approval														
"A"	Advertising	means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions;														

Delegation Register

Shire of Mingenew

9. Planning and Development Act 2005 Delegations

	<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>b. The delegation does not extend to "X" (Not permitted), or unidentifiable land uses, and development classes as defined under the Local Planning Scheme No.4 Zoning Table, and are to be referred to Council;</p> <p>c. Subject to the reporting of the exercise of this delegation to the Concept Forum each month.</p>
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Nil.
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	N/A

Compliance Links:	<p>Part 13 of the Planning and Development Act 2005</p> <p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Shire of Mingenew Local Planning Scheme No.4</p>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	CD14 Dealing with and Approving Development Applications (last reviewed 15 June 2022)
2	9.1.1 Dealing with and Approving Development Applications (amended 21 June 2023)

Delegation Register

Shire of Mingenew

9. Planning and Development Act 2005 Delegations

9.1.2 Illegal Development

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

Sub-Delegate/s: <i>Appointed by CEO</i>	Nil.
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	N/A

Compliance Links:	Part 13 of the Planning and Development Act 2005 Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Shire of Mingenew Local Planning Scheme No.4
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

Delegation Register

Shire of Mingenew

9. Planning and Development Act 2005 Delegations

1	CD20 Planning and Development Act – Illegal Development (last reviewed 15 June 2022)
2	9.1.2 Illegal Development (amended 21 June 2023)

Delegation Register

Shire of Mingenew

9. Planning and Development Act 2005 Delegations

9.1.3 Subdivision Applications

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Planning and Development Act 2005:</i> Section 214(2), (3) and (5)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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 application being consistent with the Shire of Mingenew Local Planning Scheme No. 4, the Residential Design Codes of Western

Delegation Register

Shire of Mingenew

9. Planning and Development Act 2005 Delegations

	<p>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> <p>(a) Where the Western Australian Planning Commission has not been advised in respect of any particular application pursuant to the delegations outlined in Clause 1.1 above, Council may, when giving consideration to the application identify any of the recommended conditions as being conditions that need to be referred to Council for consideration prior to clearing.</p> <p>(b) Where clearance of conditions is to be determined pursuant to this clause and the applicant feels aggrieved by any decision of the delegated officer, the applicant may require that the matter be referred to Council for reconsideration. In such cases the applicant shall provide a written statement outlining the basis of their request for reconsideration. Unless otherwise agreed to by the delegated officer, such written statement shall be provided a minimum of 10 working days prior to the meeting at which the applicant wishes the matter to be reconsidered.</p> <p>3. Notwithstanding the above, any matter may be referred to Council for consideration where, in the opinion of the delegated officer, it is considered appropriate.</p> <p>4. A summary of decisions made pursuant to Clauses 1 & 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>
<p>Council Conditions on this Delegation:</p>	<p>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.</p> <p>b. Subject to the reporting of the exercise of this delegation to the Concept Forum each month.</p>
<p>Express Power to Sub-Delegate:</p>	<p>Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees</p>

<p>Sub-Delegate/s: <i>Appointed by CEO</i></p>	<p>Nil.</p>
<p>CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i></p>	<p>N/A</p>

Delegation Register

Shire of Mingenew

9. Planning and Development Act 2005 Delegations

Compliance Links:	Part 13 of the Planning and Development Act 2005 Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. 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
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

Version Control:

1	CD23 Subdivision Applications (last reviewed 15 June 2022)
2	9.1.3 Subdivision Applications (amended 21 June 2023)

Delegation Register

Shire of Mingenew

10. Statutory Authorisations and Delegations to Local Government from State Government

10 Statutory Authorisations and Delegations to Local Government from State Government Entities

10.1 Environmental Protection Act 1986

10.1.1 Noise Control – Environmental Protection Notices [Reg.65(1)]

Published by:
Environment

GOVERNMENT GAZETTE
Western Australia
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No. 47. 19-Mar-2004
Page: 919 [Pdf](#) - 476kb

EV401

ENVIRONMENTAL PROTECTION ACT 1986

Section 20

Delegation No. 52

Pursuant to section 20 of the *Environmental Protection Act 1986*, the Chief Executive Officer hereby delegates as follows—

Powers and duties delegated—

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.

Persons to whom delegation made—

This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the *Local Government Act 1995*.

Pursuant to section 59(1)(e) of the *Interpretations Act 1984*, Delegation No. 32, dated 4 February 2000 is hereby revoked.

Dated this 9th day of January 2004.

Approved—

FERDINAND TROMP, A/Chief Executive Officer.

Dr JUDY EDWARDS MLA, Minister for the Environment.

Delegation Register

Shire of Mingenew

10. Statutory Authorisations and Delegations to Local Government from State Government

10.1.2 Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events

Published by:
Environment

GOVERNMENT GAZETTE
Western Australia
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No. 232. 20-Dec-2013
Page: 6282 Pdf - 3Mb

EV402

ENVIRONMENTAL PROTECTION ACT 1986

Delegation No. 112

I, Jason Banks, in my capacity as Acting Chief Executive Officer of the Department of Environment Regulation responsible for the administration of the *Environmental Protection Act 1986* ("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 *Local Government Act 1995*, my powers and duties under the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation, in relation to--

- (a) waste collection and other works--noise management plans relating to specified works under regulation 14A or 14B;
- (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);
- (c) community activities--noise control notices in respect of community noise under regulation 16;
- (d) motor sport venues--noise management plans in relation to motor sport venues under Part 2 Division 3;
- (e) shooting venues--noise management plans in relation to shooting venues under Part 2 Division 4;
- (f) calibration results--requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;
- (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--
 - (i) Subregulation 18(13)(b) is not delegated.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 68, gazetted 22 June 2007 is hereby revoked.

Dated the 12th day of December 2013.

JASON BANKS, Acting Chief Executive Officer.

Approved by--

JOHN DAY, Acting Minister for Environment; Heritage.

Delegation Register

Shire of Mingenew

10. Statutory Authorisations and Delegations to Local Government from State Government

10.1.3 Noise Management Plans – Construction Sites

Published by:
Environment

GOVERNMENT GAZETTE
Western Australia
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No. 71. 16-May-2014
Page: 1548 [Pdf](#) - [2Mb](#)

EV405

ENVIRONMENTAL PROTECTION ACT 1986

Delegation No. 119

I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to the holder for the time being of the offices of-

(a) Chief Executive Officer under the *Local Government Act 1995*; and

(b) to any employee of the local government under the *Local Government Act 1995* who is appointed as an Authorised Person under section 87 of the Act,

all my powers and duties in relation to noise management plans under regulation 13 of the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 111, gazetted 20 December 2013, is hereby revoked.

Dated the 1st day of May 2014.

JASON BANKS, Acting Chief Executive Officer.

Delegation Register

Shire of Mingenew

10. Statutory Authorisations and Delegations to Local Government from State Government

10.2 Planning and Development Act 2005

10.2.1 Instrument of Authorisation – Local Government CEOs - Sign Development Applications for Crown Land as Owner

DoL FILE 1738/2002v8; 858/2001v9

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF AUTHORISATION

I, **Donald Terrence Redman MLA**, Minister for Lands, a body corporate continued by section 7(1) of the *Land Administration Act 1997*, under section 267A of the *Planning and Development Act 2005*, HEREBY authorise, in respect of each local government established under the *Local Government Act 1995* 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.

Dated the 2nd day of June 2016



HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS

Delegation Register

Shire of Mingenew

10. Statutory Authorisations and Delegations to Local Government from State Government

SCHEDULE

This is the Schedule referred to in an Instrument of Authorisation relating to Development Applications under the *Planning and Development Act 2005*

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 <i>Building Regulations 2012</i> (Regulation 45A), or is an "awning, verandah or thing" (Regulation 45B), or is a ground anchor, and where the development is consistent with the use of the land as a road. <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 Armadale Shire of Ashburton Shire of Augusta-Margaret River Town of Bassendean City of Baywater City of Belmont Shire of Beverley Shire of Boddington Shire of Boyup Brook Shire of Bridgetown-Greenbushes Shire of Brookton Shire of Broome Shire of Broomehill-Tambellup Shire of Bruce Rock City of Bunbury Shire of Busselton Town of Cambridge City of Cannington Shire of Capel Shire of Carnamah Shire of Carnarvon Shire of Chapman Valley Shire of Chittering Shire of Christmas Island Town of Claremont City of Cockburn Shire of Cocos (Keeling) Islands Shire of Collie Shire of Coolgardie Shire of Coorow Shire of Corrigin Town of Cottesloe Shire of Cranbrook Shire of Cuballing Shire of Cuse 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 Doregin 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 Clifton Shire of Crowsnestup Shire of Goomalling City of Gnowanup Shire of Halls Creek Shire of Harvey Shire of Irwin Shire of Jerramungup City of Joondalup Shire of Kalamunda City of Kalbarrie-Boulder Shire of Katanning Shire of Kellerberrin Shire of Kent Shire of Kojonup Shire of Kondinin Shire of Koorda Shire of Kulin City of Kwinana Shire of Lake Grace Shire of Laverton Shire of Leonora City of Mandurah Shire of Manjimup Shire of Meekatharra City of Melville Shire of Menzies Shire of Merredin Shire of Mingenew Shire of Moora Shire of Morawa Town of Mosman Park Shire of Mount Magnet Shire of Mt Marshall Shire of Mukinbudin Shire of Mundaring Shire of Murchison Shire of Murray</p>	<p>In accordance with and subject to approved Government Land policies.</p> <p>Any signature subject to the following endorsement: Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the <i>Planning and Development Act 2005</i> (including any planning scheme). The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.</p>

Delegation Register

Shire of Mingenew

10. Statutory Authorisations and Delegations to Local Government from State Government

Shire of Nannup
Shire of Narrogin
Shire of Narembea
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 Quairading
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 Wickiepin
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 Yalgarn
Shire of York



HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS

2nd day of *June* 2016

Delegation Register

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10. Statutory Authorisations and Delegations to Local Government from State Government

10.2.2 Development Control Powers – Powers of Local Governments and DOT - Metropolitan Region Scheme (DEL.2017/02)

GOVERNMENT GAZETTE Tuesday, 30 May 2017 No.14

WALGA Note: This delegation must be read in conjunction with amendments Gazetted on Tuesday, 18 December 2018 No.193 – please see inserted below.

PL403

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

Del 2017/02 Powers of Local Governments and Department of Transport

Metropolitan Region Scheme

Delegation of certain powers and functions of the Western Australian Planning Commission relating to the Metropolitan Region Scheme

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function to an officer of a public authority or to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

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 conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 24 May 2017, pursuant to section 16 of the Act, the WAPC resolved—

- A. To delegate to local governments, and to members and officers of those local governments, its functions in respect of the determination, in accordance with Part IV of the Metropolitan Region Scheme, of applications for approval to commence and carry out development specified in clauses 1 and 2 of Section A, within their respective districts, subject to the conditions set out in clauses 1 to 4 of Section B;
- B. To delegate to the Managing Director, Policy, Planning and Investment—Transport, of the Department of Transport, and the person or persons from time to time holding or acting in that office, its functions in respect of the determination, in accordance with Part IV of the Metropolitan Region Scheme (MRS), of applications for approval to commence and carry out development specified in clause 3, Section A, subject to the conditions set out in clause 5 of Section B.
- C. To revoke its delegation of powers and functions to local governments as detailed in the notice entitled “DEL 2011/02 Powers of local governments (MRS)” published in the *Government Gazette* on 10 June 2014, to give effect to this delegation,

KERRINE BLENKINSOP, Secretary,
Western Australian Planning Commission.

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

SECTION A—Types of Development

1. Development on zoned land

Applications for development on land zoned under the MRS except—

- (a) where the land is subject to a resolution under Clause 32 of the MRS; or
- (b) where the land is subject to the declaration of a planning control area under Section 112 of the *Planning and Development Act 2005*; or
- (c) where that land is partly within the development control area described in section 10 of the *Swan and Canning Rivers Management Act 2006* or is outside the development control area but abuts waters within the development control area; or
- (d) where the local government is of the opinion that the application should be determined by the WAPC on the grounds that the proposal is of State or regional importance or is in the public interest, or
- (e) in respect of public works undertaken by public authorities.

2. Development on regional road reservations

Applications for developments on or abutting land that is reserved in the MRS for the purpose of a regional road, but excluding any application relating to large format digital signage.

Delegation Register

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10. Statutory Authorisations and Delegations to Local Government from State Government

3. Large Format Digital Signage applications

Applications from any public authority for development in relation to large format digital signage, on land reserved under the MRS for the purpose of a Primary Regional Road.

SECTION B—Conditions

1. Referral requirements for development on land within or abutting a regional road reservation

The following applications for development on land that abuts or is fully or partly reserved as regional road reservation (classified as Category 1, 2 and 3) shall be referred to Main Roads WA (MRWA) or the Department of Planning (DoP), as applicable, for transport planning related comments and recommendations before being determined by the local government subject to the process explained in clause 4, Section B.

Type of regional road reservation in the MRS	Classification on plans SP 693 (PRR) and SP 694 (ORR)	Referral Agency
Primary Regional Road (PRR)	Category 1, 2 and 3	Main Roads WA
Other Regional Road (ORR)	Category 1, 2 and 3	Department of Planning

The regional road network (PRR and ORR) changes periodically with amendments to the MRS. This clause relates to all regional road reservations in the MRS as amended from time to time. Regional roads subject to this notice and the relevant agency that is responsible for their planning are shown on accompanying editions of plans SP 693 (PRR, MRWA) and SP 694 (ORR, WAPC).

The road categories shown on plans SP 693 (PRR) and SP 694 (ORR) classify the regional roads based on—

- (a) the permissible vehicular access arrangements to the subject land via the regional road frontage
 - Category 1 road means that frontage access is not allowed (control of access);
 - Category 2 road means that frontage access may be allowed subject to approval; and
- (b) the legibility and statutory powers of current road land requirements defined for the purpose of regional road reservation in the MRS
 - Category 3 road means that the subject regional road reservation is not accurately defined or is subject to review by the agency that is responsible for planning of the regional road.

“Category 1 road” applies where regional roads—

- (a) are constructed or planned to a fully controlled and grade separated freeway standard; or
- (b) are constructed or planned to an access controlled arterial standard, (i.e. functioning as Primary Distributor or Integrator Arterial (District Distributor) road with widely spaced signalised intersections or roundabouts, and a few, if any, direct access points to individual sites or local streets.

“Category 2 road” applies where regional roads—

- (a) are constructed or planned to a partially access controlled arterial standard, (i.e. a primary or district distributor road with direct connections to local streets and driveways to larger sites, but with some restriction of direct frontage access to individual properties); or
- (b) have direct frontage access to abutting properties due to the historic development of the road and properties.

“Category 3 road” applies where regional road reservation is not accurately defined or is under review.

For enquiries and assistance regarding—

- (a) PRR Category 1, 2 and 3—call Main Roads WA on 138 138.
- (b) ORR Category 1, 2 and 3—call Department of Planning on (08) 6551 9000.

Tables 1, 2 and 3 below outline the category of the regional road reservation and the criteria for referring development applications to agencies for comment in accordance with this instrument of delegation.

Table 1—Referral process of development applications with respect to Category 1 (PRR or ORR reservations in the MRS)

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
1. Where a development application has one or more of the following characteristics— <ol style="list-style-type: none"> (a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or (b) Development with potential for a significant increase in traffic using any access, either directly or indirectly, onto the road reservation; or (c) Development, which involves direct vehicle access to and/or from the regional road reservation. 	1. Where the local government first decides to refuse the application under the MRS; or 2. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements.

Delegation Register

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10. Statutory Authorisations and Delegations to Local Government from State Government

Table 2—Referral process of development applications with respect to Category 2 (PRR or ORR reservations in the MRS)

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
1. Where a development application has one or more of the following characteristics— <ul style="list-style-type: none"> (a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or (b) Development with potential for a significant increase in traffic on the regional road using any access, either directly or indirectly, onto the road reservation; or 	1. Where the local government first decides to refuse the application under the MRS; or 2. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements.

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
<ul style="list-style-type: none"> (c) Development, which involves the retention of more than one existing access; or additional, relocated or new access between the subject land and the road reservation; or (d) Development, which proposes retention of an existing access between the subject land and the road reservation, where alternative access is or could be made available from side or rear streets or from rights of way at rear; or (e) Development on a lot affected by the regional road reservation where— <ul style="list-style-type: none"> • all or part of the proposed development is within the regional road reservation; and • has a construction value greater than \$20 000; or (f) Development on a lot affected by the regional road reservation where— <ul style="list-style-type: none"> • none of the proposed development is within the regional road reservation; and • has a construction value greater than \$150 000 	

Table 3—Referral process of development applications with respect to Category 3 (PRR or ORR reservations in the MRS)

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
1. All development applications, other than those where local government first decides to refuse it.	1. Where the local government first decides to refuse the application under the MRS

Notes—

- (1) Copies of plans SP 693 (PRR) and SP 694 (ORR) are available from the WAPC's website: "Resolutions and instruments of delegation—WAPC Powers of local governments (MRS)". (<http://www.planning.wa.gov.au/1212.asp>)
- (2) In determining applications under this delegation, local governments shall have due regard to relevant WAPC and MRWA policy and guidelines, including but not limited to the Commission's DC Policy—5.1 *Regional Roads (Vehicular Access)*, the Transport Impact Assessment Guidelines, and MRWA *Driveways Policy*, which set out the principles and requirements to be applied when considering proposals for vehicle access to or from developments abutting certain categories of regional roads.
(<http://www.planning.wa.gov.au/publications/812.asp>; and <https://www.mainroads.wa.gov.au/BuildingRoads/StandardsTechnical/RoadandTrafficEngineering/GuidetoRoadDesign/Pages/Driveways.aspx>)
- (3) Local governments shall ensure that sufficient transport information accompanies the development application to assist the referral agency in assessing the transport implications of the proposal. This information should be provided in accordance with the WAPC's *Transport Impact Assessment Guidelines*. (<http://www.planning.wa.gov.au/publications/1197.asp>)
- (4) With regard to proposals for new noise-sensitive developments, the local government shall have due regard to the provisions of Commission's *State Planning Policy—5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning*. (<http://www.planning.wa.gov.au/publications/1182.asp>)
- (5) With regard to development application for the display of advertisements on land reserved under the MRS local government should have regard to the Commission's *DC Policy 5.4 Advertising on Reserved Land*. (<http://www.planning.wa.gov.au/publications/825.asp>)

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2. Referral requirements for development on land abutting the Swan River Trust Development Control Area

Applications for development on land that is outside the development control area but abutting land that is in the development control area, or which in the opinion of the local government are likely to affect waters in the development control area, shall be referred to the Swan River Trust for comment and recommendation before being determined by the local government.

3. Referral requirements for development on land abutting other reservations

Applications for development on land abutting land reserved in the MRS for purposes other than regional roads or Parks and Recreation (where the reservation corresponds with the Swan River Trust development control area and is covered by Clause 2, Section B of this notice) shall be referred to the public authority responsible for that reserved land for comment and recommendation before being determined by the local government.

In the case of land reserved for the purpose of Parks and Recreation, which is not vested or owned by another public authority, the applications shall be referred to the Department of Planning before being determined by the local government.

4. For the purpose of this Instrument of Delegation (excluding applications under clause 3, Section A)—

- (a) Where an application is referred by the local government to a public authority for comment and recommendation, the public authority shall provide comment and a recommendation, if any, within 30 days of receipt of the application. If no comment or recommendation is received within that 30 day period the local government may determine the application on the available information.
- (b) Where the recommendation provided by the public authority specified in the delegation notice is not acceptable to the local government the application, together with the recommendations provided by all public authorities consulted and the reasons why the recommendation is not acceptable to the local government, shall be referred immediately to the WAPC for determination.
- (c) The powers delegated to a member or officer of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development within the local government district under the local government's local planning scheme.

5. Referral Requirements for applications from a public authority for large format digital signage development on land within a Primary Regional Road reservation

Where applications for large format digital signage development relate to land that is reserved as Primary Regional Roads (PRR) reservation in the MRS, the following shall apply—

- (a) DoT shall refer the application to the relevant local government and Main Roads WA for comment and recommendation;
- (b) the local government and Main Roads WA shall provide their comments and recommendations, if any, to the delegate within 30 days of receipt of the application;
- (c) Once the 30 day period has elapsed, the delegate may determine the application, even in the absence of comments and recommendations; and
- (d) the delegate is not bound to follow any recommendation received.

Interpretation

In this Instrument of Delegation, unless the context otherwise requires—

- A reference to a 'position' or 'classification' contemplates and includes a reference to its successor in title.
- "access" means both entry and exit from either a road or abutting development by a vehicle.
- "Commission" or "WAPC" means the "Western Australian Planning Commission".
- "development" has the same meaning given to it in and for the purposes of the *Planning and Development Act 2005* or "development means the development or use of any land, including—
 - (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;
 - (b) the carrying out on the land of any excavation or other works;
 - (c) in the case of a place to which a Conservation Order made under section 59 of the *Heritage of Western Australia Act 1990* applies, any act or thing that—
 - (i) is likely to change the character of that place or the external appearance of any building; or
 - (ii) would constitute an irreversible alteration of the fabric of any building".
- "DoT" means the Department of Transport
- "Large format digital signage" means an electronic billboard whether freestanding or attached to another structure with a display area of greater than 13m² "local government" means a local government within the area covered by the MRS.
- "local road" means a public road other than a private road or a road subject of reservation under Part II of the MRS.
- "not acceptable" means that the local government wishes to determine the application, as a delegate of the WAPC, in a manner that is inconsistent with the recommendation received from the public agency to which the local government was required to consult under this Notice of Delegation.
- Main Roads WA means Main Roads Western Australia
- "Public authority" means any of the following—
 - (a) a Minister of the Crown in right of the State;

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10. Statutory Authorisations and Delegations to Local Government from State Government

- (b) a department of the Public Service, State trading concern, State instrumentality or State public utility;
- (c) any other person or body, whether corporate or not, who or which, under the authority of a written law, administers or carries on for the benefit of the State, a social service or public utility;
- “regional road” means any road designated under the region Scheme as follows—
 - (a) land coloured red in the Scheme Map—Primary Regional Roads; and
 - (b) land coloured dark blue in the Scheme Map—Other Regional Roads.
- “reserved land” means land reserved under Part II of the MRS.
- “road reservation” means land reserved for the purposes of a regional road in the MRS.
- “significant increase in traffic” means generating more than 100 vehicle trips in the peak hour and would therefore require a transport assessment to accompany the development application. Refer to the Commission’s *Transport Impact Assessment Guidelines*

CORRECTION TO DELEGATION 2017/02 GOVERNMENT GAZETTE 2 June 2017

PL101

CORRECTION
PLANNING AND DEVELOPMENT ACT 2005
INSTRUMENT OF DELEGATION
Del 2017/02 Powers of Local Governments and Department of Transport
Metropolitan Region Scheme

Certain typographical errors were recorded in the Instrument of Delegation, made under the *Planning and Development Act 2005*, and published on 30 May 2017 from page 2738 to 2743 of the *Government Gazette*.

The errors are corrected as follows—

1. On page 2739, the text of Resolution C is deleted and replaced with the following words—
“TO REVOKE its delegation of powers and functions to local governments and the Department of Transport as detailed in the notice entitled “DEL 2015/02 Powers of local governments and Department of Transport (MRS)” published in the *Government Gazette* on 18 December 2015, to give effect to this delegation.”

AMENDMENT TO DELEGATION 2017/02 GOVERNMENT GAZETTE, Tuesday, 18 December 2019, No.193

WALGA Note: The below gazettal amends the above delegation and the two must be read in conjunction.

PL402

PLANNING AND DEVELOPMENT ACT 2005
AMENDMENT TO INSTRUMENT OF DELEGATION—POWERS OF LOCAL GOVERNMENT AND DOT
Notice of amendment to the Instrument of Delegation, Instrument of Delegation 2017/02—Powers of Local Governments and Department of Transport, Metropolitan Region Scheme, as gazetted on 30 May 2017

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act), the Western Australian Planning Commission (WAPC) may, by resolution published in the *Government Gazette*, delegate any function to a member, committee or officer of the WAPC or to a public authority or to a member or officer of a public authority.

In accordance with section 16 (4) of the Act, a reference in this instrument to a function or 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 conferred on the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 12 December 2018, pursuant to section 16 of the Act, the WAPC resolved—

- A. To amend the Instrument of Delegation 2017/02—Powers of Local Governments and Department of Transport, Metropolitan Region Scheme as gazetted on 30 May 2017, as set out in Schedule 1 below.

SAM FAGAN, Secretary,
Western Australian Planning Commission.

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10. Statutory Authorisations and Delegations to Local Government from State Government

Schedule 1

1. Instrument of delegation amended

The amendments within this Schedule are to the Schedules set out in the Instrument of Delegation 2017/02—Powers of Local Governments and Department of Transport, Metropolitan Region Scheme, as gazetted on 30 May 2017 and as amended.

2. Amendment to Section A

1. The word “but excluding any application relating to large format digital signage” are deleted from clause 2.
2. Clause 3 is deleted.

3. Amendments to Section B

1. The words in brackets “(excluding applications under clause 3, Section A)” are deleted from the title to clause 4.
2. Clause 5 is deleted.
3. In the interpretation section the terms “Large format digital signage” and “Public Authority” and their respective definitions, are deleted.

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10. Statutory Authorisations and Delegations to Local Government from State Government

10.2.3 Development Control Powers – Powers of Local Governments - Greater Bunbury Region Scheme (DEL.2014/01)

WALGA Note: This delegation must be read in conjunction with amendments Gazetted on 22 August 2017, No.165 – please see inserted text below.

1420

GOVERNMENT GAZETTE, WA

9 May 2014

PL406*

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

DELEGATION POWERS OF LOCAL GOVERNMENTS (GBRS) DEL 2014/01

Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the Greater Bunbury Region Scheme

Preamble

Unless exempted by clause 25 and 26, under clause 24 of the Greater Bunbury Region Scheme (GBRS), on reserved land, a person must not commence or carry out development unless that person has planning approval. Development on zoned land requires planning approval if it is of a kind or class set out in a resolution of the Western Australian Planning Commission (WAPC) under clause 27 of the GBRS. Parts 7 and 8 of the GBRS sets out the requirements, procedures and functions of the WAPC in relation to the determination of applications for planning approval.

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

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 conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 22 April 2014, pursuant to section 16 of the Act, the WAPC RESOLVED—

A TO DELEGATE to local governments, and to members and officers of those local governments, its functions in respect of the determination, in accordance with Parts 7 and 8 of the Greater Bunbury Region Scheme, of applications for approval to commence and carry out development as specified in schedules 1 and 2, within their respective districts, subject to the terms set out in schedule 3;

B TO REVOKE its delegation of powers and functions to local governments as detailed in a notice published in the *Government Gazette* of 20 April 2012 (pages 1717—1722).

TIM HILLYARD, Secretary,
Western Australian Planning Commission.

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

SCHEDULE 1—Development on reserved land delegated to local governments

1. Development on land in a regional road reservation where the local government accepts the recommendation and any advice of the advice agency.
2. Development of private jetties and associated facilities located in an artificial waterway in the waterways reservation.
3. Development on reserved land, which requires planning approval under the GBRS and which is—
 - (a) Ancillary and incidental development that does not conflict with the purposes of the reservation; and
 - (b) Development where the local government accepts the recommendation and any advice of the public authority responsible for that reserved land.
4. Any extension and/or change to a non-conforming use which requires planning approval under the GBRS and which is one or more of the following kinds—
 - (a) Development where the local government accepts the recommendation and any advice of the Department of Planning.
 - (b) Development for which the local government decides to refuse.

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10. Statutory Authorisations and Delegations to Local Government from State Government

SCHEDULE 2—Development on zoned land delegated to local governments

Applications for development on zoned land, excluding public works undertaken by public authorities—

1. On land abutting regional open space reservations, development which requires planning approval under the GBRs and which is one or more of the following kinds—
 - (a) Development where the local government accepts the recommendation and any advice of the Department of Planning.
 - (b) Development for which the local government decides to refuse approval under the GBRs.
2. On land abutting a primary regional roads reservation, development which requires planning approval under the GBRs and which is of one or more of the following kinds—
 - (a) Development where the local government accepts the recommendation and any advice of Main Roads Western Australia.
 - (b) Development for which the local government decides to refuse approval under the GBRs.
3. On land abutting an other regional roads reservation, development which requires planning approval under the GBRs and which is of one or more of the following kinds—
 - (a) Development where the local government accepts the recommendation and any advice of the Department of Planning.
 - (b) Development which—
 - i. complies with an approved access policy pertaining to other regional roads reservations submitted by the local government and endorsed by the WAPC, and
 - ii. is approved subject to conditions requiring compliance with that policy.
 - (c) Development for which the local government decides to refuse approval under the GBRs.
4. On land abutting a port installations, public purposes, railways, state forests or waterways reservation, development of one or more of the following kinds—
 - (a) Development where the local government accepts the recommendation and any advice of the public authority responsible for that reserved land.
 - (b) Development for which the local government decides to refuse approval under the GBRs.
5. On land in the water catchments special control area (SCA No. 1), development which requires planning approval under the GBRs and which is of one or more of the following kinds—
 - (a) Development where the local government accepts the recommendation and any advice of the Department of Water and/or the Water Corporation, as the case may be.
 - (b) Development for which the local government decides to refuse approval under the GBRs.
6. On land in the Kemerton industrial zone buffer special control area (SCA No. 2), development which requires planning approval under the GBRs and which is one or more of the following kinds—
 - (a) Development where the local government accepts the recommendation and any advice of the Department of State Development and the Environmental Protection Authority.
 - (b) Development for which the local government decides to refuse under approval under the GBRs.
7. On land in the Glen Iris service corridor buffer special control area (SCA No. 3) development which requires planning approval under the GBRs and which is one or more of the following kinds—
 - (a) Development where the local government accepts the recommendation and any advice of the Bunbury Port Authority, Department of State Development and the Environmental Protection Authority.
 - (b) Development for which the local government decides to refuse approval under the GBRs.

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8. On land in the Wastewater Treatment Plant Odour Buffer special control area (SCA No. 4) development which requires planning approval under the GBRs and which is one or more of the following kinds—
 - (a) Development where the local government accepts the recommendation and any advice of the Water Corporation.
 - (b) Development for which the local government decides to refuse approval under the GBRs.
9. Development of one or more of the following kinds which is on land in, adjacent to or in close proximity to the strategic agricultural resource policy area and which requires planning approval under the GBRs—
 - (a) Development where the local government accepts the recommendation and any advice of the Department of Agriculture and Food.
 - (b) Development for which the local government decides to refuse approval under the GBRs.
10. Development of one or more of the following kinds which is on land in, adjacent to or in close proximity to the strategic minerals and basic raw materials resource policy area and which requires planning approval under the GBRs—
 - (a) Development where the local government accepts the recommendation and any advice of the Department of Mines and Petroleum.
 - (b) Development for which the local government decides to refuse approval under the GBRs.
11. Development of one or more of the following kinds which is on land partly or wholly within the land subject to the floodplain management policy area and which requires planning approval under the GBRs—
 - (a) Development where the local government accepts the recommendation and any advice of the Department of Water;
 - (b) Development for which the local government decides to refuse approval under the GBRs.
12. Development in an activity centre which is for shop-retail purposes and which requires planning approval under the GBRs and which is for one or more of the following kinds—
 - (a) Development generally in accordance with a WAPC endorsed activity centres structure plan;
 - (b) Development for which the local government decides to refuse approval under the GBRs.
13. Development in the rural zone, other than for an animal husbandry-intensive, which requires planning approval under the GBRs and for which the local government decides to refuse approval under the GBRs.
14. Development for an animal husbandry-intensive premises, or for any extension or addition in excess of 100 m² to the improvements of an existing animal husbandry-intensive premises and which is one or more of the following kinds—
 - (a) Development where the local government accepts the recommendation and any advice of the Department of Planning, Department of Agriculture and Food, Department of Health, Department of Environmental Regulation, Department of Parks and Wildlife and/or Environmental Protection Authority.
 - (b) Development for which the local government decides to refuse approval under the GBRs.
15. Any extension and/or change to a non-conforming use which requires planning approval under the GBRs and which is one or more of the following kinds—
 - (a) Development where the local government accepts the recommendation and any advice of the Department of Planning.
 - (b) Development for which the local government decides to refuse.

SCHEDULE 3—Terms of delegations to determine development on reserved and zoned land

1. Under clause 36 of the GBRs, an application for planning approval is to be submitted to the local government, which, if the application is to be determined by the WAPC, shall forward it to the WAPC in seven days and make recommendations to the WAPC within 42 days, or such longer period as the WAPC allows.
2. An application for development on reserved land, excluding regional open space, shall be referred within seven days to the public authority responsible for that reserved land for advice and recommendation before being considered by the local government.
3. An application for development on or abutting regional open space reservations, shall be referred within seven days to the Department of Planning for advice and recommendation before being considered by the local government.
4. An application for development in or abutting a primary regional roads reservation shall be referred within seven days to Main Roads Western Australia for advice and recommendation before being considered by the local government.

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5. An application for development in or abutting an other regional roads reservation shall be referred within seven days to the Department of Planning for advice and recommendation before being considered by the local government.
6. An application for development abutting a port installations, public purposes, railways, state forests or waterways reservation shall be referred within seven days to the public authority responsible for that reserved land for advice and recommendation before being considered by the local government.
7. An application for development within the water catchments special control area (SCA No. 1) shall be referred within seven days to the Department of Water and/or the Water Corporation for advice and recommendation before being considered by the local government.
8. An application for development in the Kemerton industrial zone buffer special control area (SCA No. 2) shall be referred within seven days to the Department of State Development and the Environmental Protection Authority for advice and recommendation before being considered by the local government.
9. An application for development in the Glen Iris service corridor buffer special control area (SCA No. 3) shall be referred within seven days to the Bunbury Port Authority, Department of State Development and the Environmental Protection Authority for advice and recommendation before being considered by the local government.
10. An application for development in the Wastewater Treatment Plant Odour Buffer special control area (SCA No. 4) shall be referred within seven days to the Water Corporation for advice and recommendation before being considered by the local government.
11. An application for development within, adjacent to or in close proximity to the strategic agricultural resource policy area shall be referred within seven days to the Department of Agriculture and Food for advice and recommendation before being considered by the local government.
12. An application for development in, adjacent to or in close proximity to the strategic minerals and basic raw materials resource policy area shall be referred within seven days to the Department of Mines and Petroleum for advice and recommendation before being considered by the local government.
13. An application for development partly or wholly within the floodplain management policy area shall be referred within seven days to the Department of Water for advice and recommendation before being considered by the local government.
14. An application for an animal husbandry-intensive premises shall be referred to the Department of Planning, Department of Agriculture and Food, Department of Health, Department of Environmental Regulation, Department of Parks and Wildlife and/or the Environmental Protection Authority for advice and recommendation before being considered by the local government.
15. An application for any extension and/or change to a non-conforming use shall be referred within seven days to the Department of Planning for advice and recommendation before being considered by the local government.
16. Where an application is referred to an advice agency for advice and recommendation the agency is to be advised that if no advice or recommendation has been received within thirty days of receipt of the application by the advice agency the application may be determined on the available information; and the WAPC, or delegate of, or a local government acting under delegated power, may determine the application on that basis.
17. Following referral for advice and recommendation, an application which is to be determined by the WAPC shall be forwarded as soon as practicable to the WAPC with the advice and recommendations provided by all the advice agencies consulted together with the advice and recommendation of the local government.
18. Where the recommendation provided by an advice agency specified above is not acceptable to the local government, the application, together with the recommendations provided by all advice agencies consulted and the reasons why the recommendation is not acceptable to the local government, shall be forwarded immediately to the WAPC for determination.
19. Each local government shall report to the WAPC, in the form and manner required by the WAPC, all decisions made under this instrument of delegation.
20. The powers delegated to members and officers of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development in the local government district under the local planning scheme.

SCHEDULE 4—Definitions

In this instrument of delegation, words have the meanings given to them in the Act and the GBRs. Unless the context otherwise requires—

- 'Abutting' reserved land means the zoned land shares a common boundary with reserved land.
- 'Access' means entry or exit (or both) from either a road or abutting development by a vehicle.
- 'Activity centre' means the category of activity centres set out in Table 2 of the *Activity Centres for Greater Bunbury Policy*, namely—
 - City Centre
 - District Centres
 - Neighbourhood centres
 - Special Centres
 - Town Centres

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- 'Advice agency' means a department, public authority or body which is requested to provide advice and recommendations on applications for planning approval under the GBRs as an agency responsible for reserved land or to which local governments refer applications under the terms of schedule 3.
- 'Animal husbandry-intensive' has the same meaning as in the *Town Planning Regulations 1967*.
- 'Forward to the WAPC' and similar expressions mean convey by mail, by hand or electronically to the Bunbury office of the Department of Planning.
- 'Net lettable area' means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas—
- all stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, tea rooms and plant rooms and other service areas;
 - lobbies between lifts facing other lifts servicing the same floor
 - areas set aside for the provision of facilities or services to the floor or building;
 - areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.
- 'Non-conforming use' has the same meaning as it has in the Planning and Development Act 2005 section 172.
- 'Not acceptable' means that the local government wishes the application to be determined in a manner that is inconsistent with the advice and/or recommendation received from the advice agency which the local government was required to consult.
- 'Planning approval' and 'planning approval under the GBRs' mean the planning approval of the WAPC as required under the GBRs and by resolution of the WAPC under clause 27 of the GBRs, whether granted by the WAPC or by delegates of the WAPC including committees, officers, local governments and members and officers of local governments.
- 'Proximity' and 'in close proximity' mean that the development is, in the opinion of the WAPC or local government, sufficiently close to a policy area for the effects of activities in the policy area (such as noise, odour, spray drift or dust) to be likely to have an adverse effect on the proposed use, and/or for the effects of the development to be likely to have an adverse effect on uses in the policy area.
- 'Shop-retail' means the land use activities included in "Planning land use category 5: Shop/Retail" as defined by the Commission's South West Land Use and Employment Survey (as amended from time-to-time).

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Activity Centres for Greater Bunbury				

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10. Statutory Authorisations and Delegations to Local Government from State Government

AMENDMENT TO DELEGATION 2014/01 GOVERNMENT GAZETTE, Tuesday, 22 August 2017, No.165

WALGA Note: The below gazettal amends the above delegation and the two must be read in conjunction.

PL404

PLANNING AND DEVELOPMENT ACT 2005 AMENDMENT TO INSTRUMENT OF DELEGATION 2014/01 Powers of Local Governments (GBRS)

Amendment to the Instrument of Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the Greater Bunbury Region Scheme as gazetted on 9 May 2014.

Preamble

Unless exempted by clause 25 and 26, under clause 24 of the Greater Bunbury Region Scheme (GBRS), on reserved land, a person must not commence or carry out development unless that person has planning approval. Development on zoned land requires planning approval if it is of a kind or class set out in a resolution of the Western Australian Planning Commission (WAPC) under clause 27 of the GBRS. Parts 7 and 8 of the GBRS sets out the requirements, procedures and functions of the WAPC in relation to the determination of applications for planning approval.

Under section 16 of the *Planning and Development Act 2005* (the Act) the WAPC may, by resolution published in the *Government Gazette*, delegate any function to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

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 conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under s 16 of the Act (delegation)

On 24 May 2017, pursuant to section 16 of the Act, the WAPC Resolved—

- A. To amend its delegation of powers and functions to local governments in the Instrument of Delegation DEL 2014/01 Powers of local governments (GBRS) published in the *Government Gazette* on 9 May 2014 (pages 1420-1425) by replacing all references to "Strategic Agricultural Resource Policy" with "Priority Agricultural Land Policy".

KERRINE BLENKINSOP, Secretary,
Western Australian Planning Commission.

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10. Statutory Authorisations and Delegations to Local Government from State Government

10.2.4 Development Control – Powers of Local Governments - Peel Region Scheme (DEL.2008/12)

WALGA Note: This delegation must be read in conjunction with amendments Gazetted on 30 June 2009 and 3 November 2017 – please see amendment text inserted below.

19 December 2008

GOVERNMENT GAZETTE, WA

5449

<i>Legislation: Planning and Development Act 2005 (s16)</i>		
<i>Title: DEL 2008/12 Powers of local governments (PRS)</i>		
<i>Resolution Date: 16/12/2008</i>	<i>Gazetted Date: 19/12/2008</i>	<i>File: 970-1-1-3</i>
<i>Revoques: Delegation to local governments gazetted 28/03/2003</i>		

Planning and Development Act 2005

INSTRUMENT OF DELEGATION

DEL 2008/12 POWERS OF LOCAL GOVERNMENTS (PRS)

Notice of delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the Peel Region Scheme

Preamble

Under clause 18 of the Peel Region Scheme (PRS), and subject to the exemptions stated in clauses 19 and 20, development on reserved land requires planning approval. On zoned land, development requires planning approval if it is of a kind or class set out in a resolution of the Western Australian Planning Commission (the WAPC) under clause 21 of the PRS. Parts 7 and 8 of the PRS set out the requirements, procedures and functions of the WAPC in relation to the determination of applications for planning approval.

Under section 16 of the *Planning and Development Act 2005* (the Act) the WAPC may, by resolution published in the *Government Gazette*, delegate any function to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

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 conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 16 December 2008, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions in respect of the determination, in accordance with Parts 7 and 8 of the Peel Region Scheme, of applications for approval to commence and carry out development specified in Schedules 1 and 2, within their respective districts, subject to the terms set out in schedule 3;
- B TO REVOKE its delegation of powers and functions to local governments as detailed in a notice published in the *Government Gazette* of 28 March 2003 (pages 993-994).

WAYNE WINCHESTER, Secretary,
Western Australian Planning Commission.

PLANNING AND DEVELOPMENT ACT 2005

Instrument of Delegation

SCHEDULE 1—Development on reserved land delegated to local governments

1. Development on land in a regional road reservation where the local government accepts the advice and/or recommendation of the advice agency.
2. Development of private jetties and associated facilities located in an artificial waterway in the waterways reservation.

SCHEDULE 2—Development on zoned land delegated to local governments

Applications for development on zoned land, except in respect of public works undertaken by public authorities—

1. On land abutting regional open space reservations, development which requires planning approval under the PRS and for which the local government decides to refuse approval under the PRS.
2. On land abutting a primary regional roads reservation, development which requires planning approval under the PRS and which is of one or more of the following kinds—
 - (a) Development where the local government accepts the advice and/or recommendation of Main Roads Western Australia.
 - (b) Development for which the local government decides to refuse approval under the PRS.

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10. Statutory Authorisations and Delegations to Local Government from State Government

5450

GOVERNMENT GAZETTE, WA

19 December 2008

3. On land abutting an other regional roads reservation, development which requires planning approval under the PRS and which is of one or more of the following kinds—
 - (a) Development where the local government accepts the advice and/or recommendation of the Department for Planning and Infrastructure.
 - (b) Development which—
 - (i) complies with an approved access policy pertaining to other regional roads reservations, or a specified section of the other regional roads reservation, submitted by the local government and endorsed by the WAPC, and
 - (ii) is approved subject to conditions requiring compliance with that policy.
 - (c) Development for which the local government decides to refuse approval under the PRS.
4. On land in the water catchments special control area (SCA No. 1), development which requires planning approval under the PRS and which is of one or more of the following kinds—
 - (a) Development where the local government accepts the advice and/or recommendation of the Department of Water and/or the Water Corporation, as the case may be.
 - (b) Development for which the local government decides to refuse approval under the PRS.
5. Development of the following kinds which is for shopping purposes and which requires planning approval under the PRS—
 - (a) Development which—
 - (i) is consistent with an approved centre plan, local commercial strategy or local planning strategy endorsed by the WAPC not more than five years prior to the application for planning approval being lodged, and
 - (ii) is approved subject to conditions requiring compliance with that plan or strategy.
 - (b) Development for which the local government decides to refuse approval under the PRS.
6. Development in the rural zone, other than for a poultry farm, which requires planning approval under the PRS and for which the local government decides to refuse approval under the PRS.
7. Development for a new poultry farm or for any extension or addition in excess of 100 m² to the improvements of an existing poultry farm, for which the local government decides to refuse approval under the PRS.

SCHEDULE 3—Terms of delegations to determine development on reserved and zoned land

1. Under clause 30 of the PRS, an application for planning approval is to be submitted to the local government, which, if the application is to be determined by the WAPC, shall forward it to the WAPC within seven days and may (within 42 days, or such longer period as the WAPC allows) make recommendations to the WAPC.
2. An application for development in or abutting a primary regional roads reservation is to be referred within seven days to Main Roads Western Australia for advice and recommendation before being considered by the local government.
3. An application for development in or abutting another regional roads reservation is to be referred within seven days to the Department for Planning and Infrastructure for advice and recommendation before being considered by the local government.
4. An application for development within the water catchments special control area (SCA No. 1) is to be referred within seven days to the Department of Water and/or the Water Corporation for advice and recommendation before being considered by the local government.
5. Where an application is referred to an advice agency for advice and recommendation the agency is to be advised that if no advice or recommendation has been received within thirty days of receipt of the application by the advice agency the application may be determined on the available information; and the WAPC, or a local government acting under delegated power, may determine the application on that basis.
6. Following referral of any application referred to in Schedule 2 for advice and recommendation and where the local government does not accept the advice and/or recommendation of the advice agency, an application which is consequently to be determined by the WAPC is to be forwarded as soon as practicable to the WAPC with the advice and recommendations provided by all advice agencies consulted together with the advice and recommendation of the local government. These should be accompanied by the reasons why the recommendation of the advice agency is not acceptable to the local government.
7. Each local government shall report to the WAPC, in the form and manner required by the WAPC, all decisions made under this instrument of delegation.
8. The powers delegated to members and officers of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development in the local government district under the local planning scheme.

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19 December 2008

GOVERNMENT GAZETTE, WA

5451

SCHEDULE 4—Definitions

In this instrument of delegation, words have the meanings given to them in the Act and the PRS. Unless the context otherwise requires—

- 'Abutting' reserved land means the zoned land shares a common boundary with reserved land.
- 'Access' means entry or exit (or both) from either a road or abutting development by a vehicle.
- 'Advice agency' means a department, public authority or body which is requested to provide advice and recommendations on applications for planning approval under the PRS as an agency responsible for reserved land or to which local governments refer applications under the terms of schedule 3.
- 'Centre plan', 'local commercial strategy' and 'local planning strategy', for the purposes of paragraph 5(a) of schedule 2, mean a strategic planning document, submitted to and endorsed by the WAPC, specifying the planned future character and scale of the commercial centre or shopping centre where development is proposed, with limits for such components as uses, floorspace, lettable area, etc.
- 'Forward to the WAPC' and similar expressions mean convey by mail, by hand or electronically to the Peel region office of the Department for Planning and Infrastructure.
- 'Not acceptable' means that the local government wishes the application to be determined in a manner that is inconsistent with the advice and/or recommendation received from the advice agency which the local government was required to consult.
- 'Planning approval' and 'planning approval under the PRS' mean the planning approval of the WAPC as required under the PRS and by resolution of the WAPC under clause 21 of the PRS, whether granted by the WAPC or by delegates of the WAPC including committees, officers, local governments and members and officers of local governments.
- 'Shopping purposes' means use for any of the purposes defined in Appendix 4 of the proposed *Metropolitan Centres Policy Statement for the Perth Metropolitan Region* (WAPC) but excluding hotels, taverns, night clubs, and function and reception centres.

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10. Statutory Authorisations and Delegations to Local Government from State Government

AMENDMENT TO DELEGATION 2008/12

WALGA Note: The below gazettal amends the above delegation and must be read in conjunction the any additional amendments to the delegation.

30 June 2009

GOVERNMENT GAZETTE, WA

2643

PI410*

PLANNING AND DEVELOPMENT ACT 2005
AMENDMENT TO INSTRUMENT OF DELEGATION 2008/12
POWERS OF LOCAL GOVERNMENTS (PRS)

Amendment to the Instrument of Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the Peel Region Scheme as gazetted on 19 December 2008.

Preamble

Under clause 18 of the Peel Region Scheme (PRS), and subject to the exemptions stated in clauses 19 and 20, development on reserved land requires planning approval. On zoned land, development requires planning approval if it is of a kind or class set out in a resolution of the Western Australian Planning Commission (the WAPC) under clause 21 of the PRS. Parts 7 and 8 of the PRS set out the requirements, procedures and functions of the WAPC in relation to the determination of applications for planning approval.

Under section 16 of the *Planning and Development Act 2005* (the Act) the WAPC may, by resolution published in the *Government Gazette*, delegate any function to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

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 conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under s 16 of the Act (delegation)

On 23 June 2009, pursuant to section 16 of the Act, the WAPC Resolved—

- A To amend its delegation of powers and functions to local governments in the Instrument of Delegation DEL 2008/12 Powers of local governments (PRS) published in the *Government Gazette* on 19 December 2008 (pages 5449–5451) by replacing all references to “Department for Planning and Infrastructure” with “Department of Planning”.

TONY EVANS, Secretary,
Western Australian Planning Commission.

AMENDMENT TO DELEGATION 2008/12

WALGA Note: The below gazettal amends the above delegation and must be read in conjunction the any additional amendments to the delegation.

3 November 2017

GOVERNMENT GAZETTE, WA

5503

PL409

PLANNING AND DEVELOPMENT ACT 2005
AMENDMENT TO INSTRUMENT OF DELEGATION
DEL2008/12 Power of Local Governments

Amendment to the Instrument of Delegation to local governments of certain powers and functions of the Western Australian Planning Commission, under the Peel Region Scheme

Preamble

Under clause 18 of the Peel Region Scheme (PRS), and subject to the exemptions stated in clauses 19 and 20, development on reserved land requires planning approval. On zoned land, development requires planning approval if it is of a kind or class set out in a resolution of the Western Australian Planning Commission (the WAPC) under clause 21 of the PRS. Parts 7 and 8 of the PRS set out the requirements, procedures and functions of the WAPC in relation to the determination of applications for planning approval.

Under section 16 of the *Planning and Development Act 2005* (the Act), the WAPC may, by resolution published in the *Government Gazette*, delegate any function to a member, committee or officer of the WAPC or to a public authority or to a member or officer of a public authority.

In accordance with section 16 (4) of the Act, a reference in this instrument to a function or 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 conferred on the WAPC by the Act or any other written law as the case requires

Delegation Register

Shire of Mingenew

10. Statutory Authorisations and Delegations to Local Government from State Government

Resolution under section 16 of the Act (delegation)

On 24 May 2017, pursuant to section 16 of the Act, the WAPC resolved—

- A. To delegate to local governments, and to members and officers of those local governments, its powers and functions in respect of the determination, in accordance with Parts 7 and 8 of the Peel Region Scheme, of applications for approval to commence and carry out development specified in Schedule A, within their respective districts, subject to the terms set out in Schedule B;
- B. To amend the Instrument of Delegation DEL2008/12 Powers of Local Governments (PRS) made by the WAPC on 16 December 2008 and published in the *Government Gazette* on 19 December 2008 at pages 5449-5451 (and as amended) (DEL 2008/12), as set out in Schedule C below, to give effect to this resolution.

KERRINE BLENKINSOP, Secretary,
Western Australian Planning Commission.

Schedule A

Applications for development on zoned land, excluding public works undertaken by public authorities

8. Development of one or more of the following kinds, which is on land in, adjacent to or in close proximity to Priority Agricultural Land as identified in Appendix 1 of the PRS Priority Agricultural and Rural Land Use Policy, and which requires planning approval under the PRS—

- (a) Development where the local government accepts the recommendation and any advice of the Department of Agriculture and Food.
- (b) Development for which the local government decides to refuse approval under the PRS.

Schedule B

5. An application for development in, adjacent to or in close proximity to Priority Agricultural Land, as identified in Appendix 1 of the PRS Priority Agricultural and Rural Land Use Policy, shall be referred within seven days to the Department of Agriculture and Food for advice and recommendation before being considered by the local government."

5504

GOVERNMENT GAZETTE, WA

3 November 2017

Schedule C

1. Instrument of Resolution amended

The amendments within this Schedule are to the Schedules set out in DEL 2008/12.

2. Schedule 2—amended (page 5450)

Schedule 2 is amended by the addition of the following clause—

"8. Development of one or more of the following kinds, which is on land in, adjacent to or in close proximity to Priority Agricultural Land, as identified in Appendix 1 of the PRS Priority Agricultural and Rural Land Use Policy, and which requires planning approval under the PRS—

- (a) Development where the local government accepts the recommendation and any advice of the Department of Agriculture and Food.
- (b) Development for which the local government decides to refuse approval under the PRS."

3. Schedule 3—amended (page 5450)

Schedule 3 is amended by inserting a new clause 5 as follows—

"5. An application for development in, adjacent to or in close proximity to Priority Agricultural Land, as identified in Appendix 1 of the PRS Priority Agricultural and Rural Land Use Policy, shall be referred within seven days to the Department of Agriculture and Food for advice and recommendation before being considered by the local government."

Further, existing clauses 5, 6, 7 and 8 of Schedule 3 are renumbered to 6, 7, 8 and 9, respectively.

4. Schedule 4—amended (page 5451)

The heading for Schedule 4 is amended to read "Schedule 4—Definitions and Interpretation"

Schedule 4 is amended by inserting the following definition and interpretation provision—

'Proximity' and 'in close proximity' mean that the development is, in the opinion of the WAPC or local government, sufficiently close to a policy area for the effects of activities in the policy area (such as noise, odour, spray drift or dust) to be likely to have an adverse effect on the proposed use, and/or for the effects of the development to be likely to have an adverse effect on uses in the policy area

A reference to a department or agency contemplates and includes a reference to its successor in title.

5. Index—amended (page 5451)

The "Delegations in relation to zoned land" section of the Index is amended to include a new line below "poultry farm" which reads—

"in/near the Priority Agricultural Land" 8 5"

Delegation Register

Shire of Mingenew

10. Statutory Authorisations and Delegations to Local Government from State Government

10.2.5 Development Control – Powers of Local Government – Ningaloo Coast Regional Interim Development Order 2007 (DEL.208/14)

5456

GOVERNMENT GAZETTE, WA

19 December 2008

Legislation: Planning and Development Act 2005 (s16)
Title: DEL 2008/14 Powers of local governments (Ningaloo Coast RIDO 2007)
Resolution Date: 16/12/2008 Gazetteal Date: 19/12/2008 File: 970-1-1-3
Revoles: Delegation to local governments gazetted 12/10/2007

Planning and Development Act 2005

INSTRUMENT OF DELEGATION

DEL 2008/14 POWERS OF LOCAL GOVERNMENTS (NINGALOO COAST RIDO 2007)

Notice of delegation to local governments of development control powers of the Western Australian Planning Commission relating to the Ningaloo Coast Regional Interim Development Order 2007

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

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 conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 16 December 2008, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A TO DELEGATE its functions under the Ningaloo Coast Regional Interim Development Order 2007 (the Order) as specified in column 1 of the schedule to local governments and to members and officers of those local governments specified in column 2 of the schedule, in respect of land described in column 3 of the schedule;
- B TO REVOKE its delegation of powers and functions to local governments as detailed in a notice published in the *Government Gazette* of 12 October 2007 (pages 5532-5533).

WAYNE WINCHESTER, Secretary,
Western Australian Planning Commission.

PLANNING AND DEVELOPMENT ACT 2005

Instrument of delegation

SCHEDULE 1

Column 1 (Powers and Functions)	Column 2 (Local Government)	Column 3 (Land)
<p>Power to determine an application made under Part 3 of the Order in accordance with the procedure set out in Part 4 of the Order except—</p> <ul style="list-style-type: none"> (i) where the WAPC, by notice in writing in each case, advises the local government that it is of the opinion that an application should be determined by the WAPC on the grounds that the proposal is of State or regional importance or is in the public interest; and (ii) where the local government is of the opinion that an application should be determined by the WAPC on the grounds that the proposal is of State or regional importance or is in the public interest. <p>The powers delegated to members and officers of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development in the local district under the local planning scheme.</p>	<ul style="list-style-type: none"> • Shire of Carnarvon • Shire of Exmouth 	<p>Applies to applications for development of land defined in—</p> <ul style="list-style-type: none"> • Map 1 Area of Delegation (Carnarvon) • Map 2 Area of Delegation (Exmouth)

Delegation Register

Shire of Mingenew

10. Statutory Authorisations and Delegations to Local Government from State Government

10.2.6 Development Control – Powers of Local Governments – Hope Valley-Wattleup Redevelopment Act 2000 and Master Plan (DEL.2011/01)

Legislation: Planning and Development Act 2005 (s16)
Title: DEL 2011/01 Powers of local governments (Hope Valley-Wattleup Redevelopment Act 2000)
Resolution Date: 25 /1 /2011 Gazettal Date: 4/2/2011 File: 801-2-1-22 P10

Planning and Development Act 2005

INSTRUMENT OF DELEGATION

DEL 2011/01 POWERS OF LOCAL GOVERNMENTS (HOPE VALLEY-WATTLEUP REDEVELOPMENT ACT 2000 AND MASTER PLAN)

Notice of delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the *Hope Valley-Wattleup Redevelopment Act 2000* and the Hope Valley-Wattleup Master Plan

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

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 conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 25 January 2011, pursuant to section 16 of the Act, the WAPC RESOLVED:

- A TO DELEGATE to certain local governments, to officers of those local governments, to the Statutory Planning Committee and the Chairman of the WAPC, and to officers of the Department of Planning (DoP) from time to time holding or acting in those offices, as set out in column 2 of the attached Schedule, its powers and functions under the *Hope Valley-Wattleup Redevelopment Act 2000* and in respect of the Hope Valley-Wattleup Master Plan as specified in column 1 of the attached Schedule, within their respective districts as specified in column 3 of the attached Schedule.

Tony Evans, Secretary
Western Australian Planning Commission

Delegation Register

Shire of Mingenew

10. Statutory Authorisations and Delegations to Local Government from State Government

Instrument of Delegation

Schedule 1

Column 1 (Powers and functions delegated)	Column 2 (Local Government and officers, WAPC committee and Chairman, and DoP officers)	Column 3 (Conditions)
<p>1.1. Power to determine applications for development approval as set out in Part 4 of the <i>Hope Valley-Wattleup Redevelopment Act 2000</i> and Part 10 and Part 11 of the <i>Hope Valley-Wattleup Master Plan</i> except where:</p> <p>(a) the land is reserved for a public purpose in the <i>Hope Valley-Wattleup Master Plan</i>; or</p> <p>(b) the decision to refuse or approve with or without conditions would be contrary to the recommendation of the Western Australian Land Authority in its submission on the application made pursuant to clause 11.1 of the <i>Hope Valley-Wattleup Master Plan</i>; or</p> <p>(c) the WAPC has advised the local government in writing that the application is to be determined by the WAPC; or</p> <p>(d) the local government decides to forward the application to the WAPC for the WAPC's determination.</p> <p>1.2. Power to amend or revoke a planning approval previously granted by the local government under delegated power, as set out in clause 9.2 of the <i>Hope Valley-Wattleup Master Plan</i>.</p> <p>1.3. Power to grant approval to unauthorised existing development or use as set out in clause 9.3 of the <i>Hope Valley-Wattleup Master Plan</i>.</p> <p>1.4. Power to authorise any of the local government's employees to enter a building or land for the observance of the Master Plan as set out in clause 12.1.2 of the <i>Hope Valley-Wattleup Master Plan</i>.</p> <p>1.5. Power to issue a written notice under clause 12.2 of the <i>Hope Valley-Wattleup Master Plan</i>.</p> <p>1.6. Power to defend and otherwise deal with reviews lodged with the State Administrative Tribunal under section 29 of the <i>Hope Valley-Wattleup Redevelopment Act 2000</i> and to appeal, defend, respond and otherwise deal with any legal proceedings as it relates to this notice of delegation affecting the Hope Valley-Wattleup Redevelopment Area.</p> <p>1.7. Power to issue a written notice under section 31(1) of the <i>Hope Valley-Wattleup Redevelopment Act 2000</i>.</p> <p>1.8. Power under section 31(6) of the <i>Hope Valley-Wattleup Redevelopment Act 2000</i> to take steps to remove, pull down, take up or alter any unlawful development, and recover the costs incurred in so doing.</p> <p>1.9. Power to commence and undertake a prosecution for an offence committed under section 25 or section 31 of the <i>Hope Valley-Wattleup Redevelopment Act 2000</i>.</p>	<ul style="list-style-type: none"> • Council of the City of Cockburn • Chief Executive Officer, City of Cockburn • Director of Planning and Development, City of Cockburn • Manager of Statutory Planning, City of Cockburn <ul style="list-style-type: none"> • Council of the Town of Kwinana • Chief Executive Officer, Town of Kwinana • Director of Operational and Technical Services, Town of Kwinana • Manager of Planning and Development, Town of Kwinana 	<p>Confined to land within the City of Cockburn</p> <p>Confined to land within the Town of Kwinana</p>
<p>1.10 Power to advise a local government in writing in the circumstance of 1.1(c) of this delegation that an application is to be determined by the WAPC.</p>	<ul style="list-style-type: none"> • Statutory Planning Committee of the WAPC • Chairman of the WAPC • Director General, DoP 15135.1 • Executive Director, Peel, Perth and South West Planning and Strategy, DoP 15196.1 	<p>City of Cockburn and Town of Kwinana</p>

Delegation Register

Shire of Mingenew

10. Statutory Authorisations and Delegations to Local Government from State Government

10.2.7 WA Planning Commission – Powers of Local Governments - s.15 of the Strata Titles Act 1985 (DEL.2020/01)

29 January 2021

GOVERNMENT GAZETTE, WA

449

PL402

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

Del 2020/01 Powers of Local Governments

Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to certain applications under the *Strata Titles Act 1985*

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function under the Act or any other written law to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

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.

Resolution under section 16 of the Act (delegation)

On 20 January 2021, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the *Strata Titles Act 1985* as set out in clause 1 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;
- B. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under sections 21 and 22 of the *Strata Titles Act 1985* as set out in clause 2 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;
- C. TO AMEND “Del 2020/01—Powers of Local Governments” to give effect to its resolution and to publish an updated, consolidated instrument.

SAM FAGAN, Western Australian Planning Commission.

Schedule 1

1. Applications made under section 15 of the *Strata Titles Act 1985*

Power to determine applications under section 15 of the *Strata Titles Act 1985*, except those applications that—

- (a) propose the creation of a vacant lot;
- (b) propose vacant air stratas in multi-tiered strata scheme developments;
- (c) propose the creation or postponement of a leasehold scheme;
- (d) propose a type 1 (a) subdivision or a type 2 subdivision (as defined in section 3 of the *Strata Titles Act 1985*);
- (e) 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—
 - i. a type of development; and/or
 - ii. land within an area,

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.

2. Applications under sections 21 and 22 of the *Strata Titles Act 1985*

Power to determine applications under—

- (a) section 21 of the *Strata Titles Act 1985*;
- (b) section 22 of the *Strata Titles Act 1985* where the amendment or repeal of scheme by-laws requires the approval of the WAPC.

3. Reporting requirements

A local government that exercises the powers referred to in clause 1 and/or clause 2, is to provide the WAPC with data on all applications determined under this Instrument of Delegation. This must be provided at the conclusion of each financial year in the format prescribed by the WAPC.

Delegation Register

Shire of Mingenew

10. Statutory Authorisations and Delegations to Local Government from State Government

10.3 Main Roads Act 1930

10.3.1 Traffic Management - Events on Roads

A list of local governments authorised for Traffic Management for Events can be found on the Main Roads WA website [here](#)

**WESTERN AUSTRALIA
ROAD TRAFFIC CODE 2000
REGULATION 297(2)
INSTRUMENT OF AUTHORISATION**

RELATING TO
TRAFFIC MANAGEMENT FOR EVENTS

Pursuant to Regulation 297(2) of the *Road Traffic Code 2000* the Commissioner of Main Roads ("the Commissioner") hereby authorises (Insert name of Local Government) (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:

- i) "event" subject to an order from the Commissioner of Police pursuant to Part VA of the *Road Traffic Act 1974*;
- ii) race meeting or speed test for which the Minister referred to in section 83 of the *Road Traffic Act 1974* has, under that provision, temporarily suspended the operation of any provisions of the *Road Traffic Act 1974* 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 *Public Order in Streets Act 1984*;

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:

- (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.

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.

The powers in this Instrument of Authorisation do not change or replace:

- 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 *Road Traffic (Events on Roads) Regulations 1991*.

Delegation Register

Shire of Mingenew

10. Statutory Authorisations and Delegations to Local Government from State Government

Dated:

THE COMMON SEAL OF THE)
COMMISSIONER OF MAIN ROADS)

WAS AFFIXED BY)

COMMISSIONER OF MAIN ROADS)

FOR THE TIME BEING IN THE)
PRESENCE OF:

Signature of Witness

Name of Witness (please print)

ACKNOWLEDGMENT BY AUTHORISED BODY

.....(*Insert name of Local Government*)..... agrees to unconditionally observe, perform and be bound by the above conditions.

THE COMMON SEAL of)
)
)
)

[Insert name of Local Government])
)
Was hereunto affixed pursuant to a)
resolution of the Council in the)
presence of.)
)

Signature of Chief Executive Officer

Signature of Witness

Name of Witness (please print)

Delegation Register

Shire of Mingenew

10. Statutory Authorisations and Delegations to Local Government from State Government

10.3.2 Traffic Management – Road Works

A list of Local Governments authorised for the purposes of Road Traffic Code 2000 r.297(2) are available on Main Roads WA website [here](#)

**WESTERN AUSTRALIA
ROAD TRAFFIC CODE 2000
REGULATION 297(2)
INSTRUMENT OF AUTHORISATION**

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:

- (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;
- (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.

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.

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.

Delegation Register

Shire of Mingenew

10. Statutory Authorisations and Delegations to Local Government from State Government

Dated:

THE COMMON SEAL OF THE)
COMMISSIONER OF MAIN ROADS)
WAS AFFIXED BY)
)
)
COMMISSIONER OF MAIN ROADS)
FOR THE TIME BEING IN THE PRESENCE OF:)

Signature of Witness

Name of Witness

ACKNOWLEDGMENT BY AUTHORISED BODY

..... agrees to observe, perform and be bound by the above conditions.

THE COMMON SEAL OF THE)
.....)
WAS AFFIXED PURSUANT TO A RESOLUTION)
OF THE COUNCIL IN THE PRESENCE OF)

Chief Executive Officer

Witness

Delegation Register

Shire of Mingenew

10. Statutory Authorisations and Delegations to Local Government from State Government

10.4 Road Traffic (Vehicles) Act 2012

10.4.1 Approval for Certain Local Government Vehicles as Special Use Vehicles



Government of Western Australia
Department of Transport
Driver and Vehicle Services

ROAD TRAFFIC (VEHICLES) ACT 2012

Road Traffic (Vehicles) Regulations 2014

RTVR-2017-202046

APPROVAL UNDER REGULATION 327(4)(f) FOR CERTAIN LOCAL GOVERNMENT VEHICLES AS SPECIAL USE VEHICLES

Pursuant to the *Road Traffic (Vehicles) Regulations 2014* (the *Regulations*), 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:

- (a) the *Local Government Act 1995*;
- (b) regulations made under the *Local Government Act 1995*;
- (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 *Dog Act 1976*); or
- (e) any combination of the above paragraphs (a) to (d);

as special use vehicles for the purposes of paragraph "f" of the definition of "special use vehicle" in regulation 327(4) of the *Regulations*, with the effect that those vehicles may be fitted with one or more yellow flashing lights under regulation 327(3)(b) of the *Regulations*, subject to the following conditions:

CONDITIONS

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:

Delegation Register

Shire of Mingenew

10. Statutory Authorisations and Delegations to Local Government from State Government



Government of **Western Australia**
Department of **Transport**

Driver and Vehicle Services

- (a) have words clearly set out on the sides of the vehicle which state the name of the local government in question together with the words "Ranger", "Ranger Services", or words to similar unambiguous effect; and
- (b) where the vehicle is a station wagon or van, have the words "Ranger", "Ranger Services", or words to similar unambiguous effect clearly set out on the back of the vehicle.

This condition 7 is not intended to prevent the use of additional words on the vehicle.

A handwritten signature in blue ink, appearing to read 'C. Davers', written over a horizontal line.

Christopher Davers
Assistant Director, Strategy and Policy
Driver and Vehicle Services
Department of Transport

Dated the 5th day of September 2017

[Approval for ranger vehicles to fit and use yellow flashing lights \(transport.wa.gov.au\)](http://transport.wa.gov.au)
Extracted on line on 15 March 2021