



ATTACHMENT TO ITEM 11.1.10: 2020 DELEGATION REGISTER REVIEW

Under Separate Cover

Ordinary Council Meeting
Wednesday, 27 May 2020

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TOWN OF PORT HEDLAND



DELEGATION REGISTER

Adopted by Council on 22 May 2019

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1. Local Government Act 1995

1.1 Council to Committees of Council

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.16 Delegation of some powers and duties to certain committees s.7.1B Delegation of some powers and duties to audit committees
Express Power to Sub-Delegate:	Nil. Sub-delegation is prohibited by s.7.1B.

1.1.1 ~~Audit~~ Audit and Risk and Compliance Committee

Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.7.12A(2), (3) & (4) Duties of Local Government with respect to audits
Delegate:	Audit and Risk Committee
Function:	<ol style="list-style-type: none"> 1. Authority to meet with the Town’s Auditor at least once every year on behalf of the Council [s.7.12A(2)]. 2. Authority to: <ol style="list-style-type: none"> i. examine the report of the Auditor and determine matters that require action to be taken by the Town; and ii. ensure that appropriate action is taken in respect of those matters [s.7.12A(3)]. 3. Authority to review and endorse the Town’s report on any actions taken in response to an Auditor’s report, prior to it being forwarded to the Minister [s.7.12A(4)].
Council Conditions on this Delegation:	This delegation is not to be used where a Management Letter or Audit Report raises significant issues and the Local Government’s meeting with the Auditor must be directed to the Council.

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1.2 Council to CEO

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

1.2.1 Appoint Authorised Persons

Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land] s.9.10 Appointment of authorised persons
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to appoint persons or classes of persons as authorised persons for the purpose of fulfilling prescribed functions within the <i>Local Government Act 1995</i> and its subsidiary legislation, including <i>Local Government Act Regulations</i>, the <i>Local Government (Miscellaneous Provisions) Act 1960</i> and Local Laws made under the <i>Local Government Act</i>. [s.3.24 and s.9.10]. 2. Authority to appoint authorised person for the purposes of the <i>Graffiti Vandalism Act 2016</i>, which prescribes Part 9 of the <i>Local Government Act 1995</i> as the enabling power [s.15 of the <i>Graffiti Vandalism Act 2016</i>].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. A register of Authorised Persons is to be maintained as a Local Government Record. b. Only persons who are appropriately qualified and trained may be appointed as Authorised persons.
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

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1.2.2 Performing Functions outside the District

Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.20(1) Performing functions outside district
Delegate:	Chief Executive Officer
Function:	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 allocation within the Annual Budget and the performance of the functions does not negatively impact service levels within the District. Where these conditions are not met the matter must be referred for Council decision.
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy Chief Executive Officer (1) Director Regulatory Services (1) Director Community Services (1) Director Infrastructure Services (1) Manager Environmental Health and Community Safety (1) Ranger and Emergency Services Advisor (1) Team Leader Ranger (1) Ranger(s) (1) Trainee Ranger(s) (1) Senior Environmental Health Officer (1) <u>Environmental Health Officer (1)</u> Graduate Environmental Health Officer (1)
CEO Conditions on this Sub-Delegation:	Nil

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1.2.3 Compensation for Damage Incurred when Performing Executive Functions

Express Power or Duty Delegated:	Local Government Act 1995: s.3.22(1) Compensation s.3.23 Arbitration
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. In accordance with the s.3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of executive functions and make payment of compensation [s.3.22(1)]. 2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23.
Council Conditions on this Delegation:	a. Delegation is limited to settlements which do not exceed a material value of \$20,000.
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy Chief Executive Officer (1, 2) Director Regulatory Services (1, 2) Director Community Services (1, 2) Director Infrastructure Services (1, 2)
CEO Conditions on this Sub-Delegation:	Nil

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1.2.4 Powers of Entry

Express Power or Duty Delegated:	<p><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</p>
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to exercise powers of enter to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law [s.3.28]. 2. Authority to give notice of entry [s.3.32]. 3. Authority to seek and execute an entry under warrant [s.3.33]. 4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]. 5. Authority to give notice and effect entry by opening a fence [s.3.36].
Council Conditions on this Delegation:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Regulatory Services(1 ,2, 3, 4, 5) Senior Planner (2) Manager Town Planning and Development (2) Ranger and Emergency Services Advisor (1 ,2, 3, 4, 5) Manager Environmental Health and Community Safety (1 ,2, 3, 4, 5) Senior Environmental Health Officer (2) Development Services Officer (2) Planning and Development Support Officer (2) Environmental Health Officer (2) Graduate Environmental Health Officer (2) Graduate Planner (2) Team Leader Ranger (1, 2, 3, 4) Ranger(s) (1, 3 ,4) Trainee Ranger(s) (1, 3 ,4) Senior Strategic Planner (2) Town Planner (2)
CEO Conditions on this Sub-Delegation:	Nil

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1.2.5 Declare Vehicle is Abandoned Vehicle Wreck

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:	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 1.2.6 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision.
Sub-Delegate/s: <i>Appointed by CEO</i>	Team Leader Ranger (1) Ranger(s) (1) Trainee Ranger(s) (1) Ranger and Emergency Services Advisor (1)
CEO Conditions on this Sub-Delegation:	Nil

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1.2.6 Remove and Impound any goods and abandoned Vehicle

Express Power or Duty Delegated:	Local Government Act 1995: s.3.39 Power to remove and impound s.3.40(1) Impounded perishable goods, notice to collect s.3.40A Abandoned vehicle wreck may be taken
Delegates:	Chief Executive Officer (1, 2, 3) Ranger and Emergency Services Advisor (1, 2, 3) Team Leader Ranger (1, 2, 3) Ranger(s) (1, 2, 3) Trainee Ranger(s) (1, 2, 3)
Function:	<ol style="list-style-type: none"> 1. Remove and impound any goods that are involved in a contravention that can lead to impounding [s.3.39(1)]. 2. Remove and impound any goods that are in or on a vehicle and authority to enter the vehicle for the purpose of removing it to a place where the goods may be conveniently unloaded and impounded [s.3.40(1)]. 3. Remove and impound a vehicle that, in the opinion of the local government, is an abandoned vehicle wreck [s.3.40A(1)].
Council Conditions on this Delegation:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

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1.2.7 Confiscated or Uncollected Goods

Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.39 Power to remove and impound 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:	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.
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Environmental Health & Community Safety (1, 2, 3) Ranger and Emergency Services Advisor (1, 2) Team Leader Ranger (1, 2, 3) Ranger(s) (1,2) Trainee Ranger(s) (1,2) Senior Environmental Health Officer (1,2) <u>Environmental Health Officer (1)</u> Graduate Environmental Health Officer (1,2)
CEO Conditions on this Sub-Delegation:	Nil

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1.2.8 Disposal of Sick or Injured Animals

Express Power or Duty Delegated:	Local Government Act 1995: s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
Delegate:	Chief Executive Officer
Function:	<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.
Sub-Delegate/s: <i>Appointed by CEO</i>	Ranger and Emergency Services Advisor (1) Team Leader Ranger (1, 2) Ranger(s) (1) Trainee Ranger(s) (1)
CEO Conditions on this Sub-Delegation:	Nil

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1.2.9 Close Thoroughfares to Vehicles

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:	<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: <ol style="list-style-type: none"> i. give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and ii. 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:	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)]
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Infrastructure Services (1, 2, 3, 4, 5) Manager Parks, Gardens and Engineering <u>Infrastructure Operations</u> (1, 2, 3)
CEO Conditions on this Sub-Delegation:	Determination shall be in accordance with the <i>Road Traffic (Events on Roads) Regulations 1991</i>

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1.2.10 Control Reserves and Certain Unvested Facilities

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:	<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 Town that the Town could do under s.5 of the <i>Parks and Reserves Act 1895</i>. [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.
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Regulatory Services (1) Director Community Services (1) Director Infrastructure Services (2) Manager Town Planning and Development (1)
CEO Conditions on this Sub-Delegation:	Nil

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1.2.11 Obstruction of Footpaths and Thoroughfares

Express Power or Duty Delegated:	<p><i>Local Government Act 1995:</i> s.3.25(1) Notice to owner</p> <p><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)</p>
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to give a person who is the owner or, unless Schedule 3.1 indicates otherwise, the occupier of land a notice in writing relating to the land requiring the person to do anything specified in the notice [s.3.25(1)] 2. 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"> i. prevent damage to the footpath; or ii. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)]. 3. 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)]. 4. 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)]. 5. 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]. 6. 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.

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	<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.
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Regulatory Services(1, 2, 3, 4, 5, 6) Director Infrastructure Services (1, 2, 3, 4, 5, 6) Manager Environmental Health and Community Safety (1, 5, 6) Manager Parks, Gardens and Engineering Infrastructure Operations (1, 2, 3, 4, 5, 6)
CEO Conditions on this Sub-Delegation:	Nil

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1.2.12 Gates across Public Thoroughfares

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:	<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 <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. b. Each approval provided must be recorded in the Town's statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8.
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Infrastructure Services (1, 2, 3, 4, 5) Director Regulatory Services(1, 2, 3, 4, 5) Manager Town Planning and Development (1, 2, 3, 4, 5)
CEO Conditions on this Sub-Delegation:	Nil

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1.2.13 Public Thoroughfare – Dangerous Excavations

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:	<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 <i>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 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.
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Regulatory Services(1, 2, 3, 4) Director Infrastructure Services (1, 2, 3, 4)
CEO Conditions on this Sub-Delegation:	Nil

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1.2.14 Crossing – Construction, Repair and Removal

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:	<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 <i>Local Government (Uniform Local Provisions) Regulations 1996</i> .
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Regulatory Services(1, 2, 3, 4) Director Infrastructure Services (1, 2, 3, 4)
CEO Conditions on this Sub-Delegation:	Nil

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1.2.15 Private Works on, over or under Public Places

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.8
Delegate:	Chief Executive Officer
Function:	<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 <i>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 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.
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Regulatory Services(1, 2) Director Infrastructure Services (1, 2)
CEO Conditions on this Sub-Delegation:	Nil

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1.2.16 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift

Express Power or Duty Delegated:	Local Government (Uniform Local Provisions) Regulations 1996: r.21(1) Wind erosion and sand drifts – Sch.9.1 cl.12
Delegate:	Chief Executive Officer
Function:	1. Authority to give notice to an owner / occupier of land if it is considered that clearing the owner / occupier's land might cause local government land having a common boundary, will be adversely affected by wind erosion or sand drift [ULP r.21(1)].
Council Conditions on this Delegation:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Environmental Health and Community Safety (1) Ranger and Emergency Services Advisor (1) Team Leader Ranger (1) Rangers (1) Trainee Rangers (1) Senior Environmental Health Officer (1) <u>Environmental Health Officer (1)</u> Graduate Environmental Health Officer (1)
CEO Conditions on this Sub-Delegation:	Nil

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1.2.17 Expressions of Interest for Goods and Services

Express Power or Duty Delegated:	<p><i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services</p> <p><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</p>
Delegate:	Chief Executive Officer
Function:	<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:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy Chief Executive Officer (1) Director Regulatory Services (1) Director Community Services (1) Director Infrastructure Services (1)
CEO Conditions on this Sub-Delegation:	a. All above delegations must be in accordance with the 2/007 Purchasing Policy

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1.2.18 Tenders for Goods and Services

Express Power or Duty Delegated:	<p><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 When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for r.18 Rejecting and accepting tenders r.20 Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services</p>
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to call tenders [F&G r.11(1)]. 2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement [F&G r.11(f)]. 3. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration is included in the adopted Annual Budget [F&G.r.11(2)]. 4. Authority to invite tenders although not required to do so [F&G r.13]. 5. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 6. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 7. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)]. 8. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&G r.18(4)]. 9. Authority to accept, or reject tenders, only within the \$300,000<u>\$500,000</u> value detailed as a condition on this Delegation, and in accordance with the requirements of the Functions and General Regulations [F&G r.18(2) and (4)].
	<ol style="list-style-type: none"> 10. Authority to determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender, and to then negotiate minor variations with the successful tenderer before entering into a contract [F&G r.20(1) and (3)]. 11. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)].

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	<p>12. Authority to decline any tender [F&G r.18(5)].</p> <p>13. If the chosen tenderer is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer, authority to choose the next most advantageous tender to accept [F&G r.20(2)]</p> <p>14. Authority to:</p> <ul style="list-style-type: none"> i. Vary a contract that has been entered into with a successful tenderer, provided the variation/s do not change the scope of the original contract. ii. Exercise an extension option that was included in the original tender specification and contract in accordance with r.11(2)(j). [F&G r.21A]. <p>15. Authority to accept another tender where within 6-months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract [F&G r.18(6) & (7)].</p>
<p>Council Conditions on this Delegation:</p>	<ul style="list-style-type: none"> a. Sole supplier arrangements may only be approved where a record is retained that evidences: <ul style="list-style-type: none"> i. A detailed specification; ii. The outcomes of market testing of the specification; iii. The reasons why market testing has not met the requirements of the specification; and iv. Rationale for why the supply is unique and cannot be sources through other suppliers. b. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget and where the: <ul style="list-style-type: none"> i. proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government, ii. current supply contract expiry is imminent, iii. 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. c. In accordance with s.5.43, tenders may only be accepted where the total consideration under the resulting contract is \$300,000\$500,000 or less and the expense is included in the adopted Annual Budget. d. All above delegations must be in accordance with the 2/007 Purchasing Policy
<p>Sub-Delegate/s:</p>	<p>Deputy Chief Executive Officer (3, 5, 6, 7, 8, 9, 11, 14)</p>

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Appointed by CEO	Director Regulatory Services (3, 5, 6, 7, 8, 9, 11, 14) Director Community Services (3, 5, 6, 7, 8, 9, 11, 14) Director Infrastructure Services (3, 5, 6, 7, 8, 9, 11, 14) Senior Procurement Advisor (7, 9, 11)
CEO Conditions on this Sub-Delegation:	Nil

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1.2.19 Panels of Pre-Qualified Suppliers for Goods and Services

Express Power or Duty Delegated:	<p><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</p>
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to determine that there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [F&G r.24AC(1)(b)]. 2. Authority to, before inviting submissions, determine the written criteria for deciding which application should be for inclusion in a panel of pre-qualified suppliers should be accepted [F&G r.24AD(3)]. 3. Authority to establish a panel of pre-qualified suppliers to supply particular goods and services [F&G r.24AB] 4. 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)]. 5. 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)]. 6. 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)]. 7. Authority to request clarification of information provided in a submission by an applicant [F&G r.24AH(4)]. 8. Authority to decline to accept any application [F&G r.24AH(5)]. 9. 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 estimated consideration under the resulting panel is

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	<p>\$300,000<u>\$500,000</u> or less and the expense is included in the adopted Annual Budget.</p> <p>b. Evaluation criteria is to be in accordance with 2/022 Panels of Pre-Qualified Suppliers policy.</p>
<p>Sub-Delegate/s: <i>Appointed by CEO</i></p>	<p>Deputy Chief Executive Officer (4, 7) Director Regulatory Services (4, 7) Director Community Services (4, 7) Director Infrastructure Services (4, 7) Senior Procurement Advisor (7)</p>
<p>CEO Conditions on this Sub-Delegation:</p>	<p>Nil</p>

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1.2.20 Disposing of Property

Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.58(2) & (3) Disposing of Property
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to dispose of property to: <ol style="list-style-type: none"> i. to the highest bidder at public auction [s.3.58(2)(a)]. ii. to the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tenders [s.3.58(2)(b)] 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)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. When determining the method of disposal: <ol style="list-style-type: none"> i. 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. ii. 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. iii. Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: <ul style="list-style-type: none"> • Negotiate the sale of the property up to a -10% variance on the valuation; and • Consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a decision are recorded. b. Where the market value of the property is determined as being less than \$20,000 (F&G r.30(3) excluded disposal) may be undertaken: <ol style="list-style-type: none"> i. Without reference to Council for resolution; and ii. In any case, be undertaken to ensure that the best value return is achieved by gifting or donating a property (not exceeding \$5,000).

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	<p>c. Council delegate authority to the Chief Executive Officer to dispose of land within the Kingsford Smith Business Park and the authority to accept offers up to a -10% variance within ten percent of the market value and/or any offers above the market value obtained in accordance with the provisions of the <i>Local Government Act 1995</i>. The below conditions apply:</p> <ul style="list-style-type: none"> i. all disposals of property below \$2,000,000 total value will be advertised locally in accordance with the provisions of Section 3.58 of the <i>Local Government Act 1995</i> and any submissions received during the requisite minimum two week advertising period will be presented to Council for consideration; and ii. all disposals of property exceeding \$2,000,000 will be advertised state wide in accordance with the provisions of Section 3.59 of the <i>Local Government Act 1995</i> and will be presented to Council for consideration and final endorsement.
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

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1.2.21 Payments from the Municipal or Trust Funds

Express Power or Duty Delegated:	Local Government (Financial Management) Regulations 1996: r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
Delegate:	Chief Executive Officer
Function:	1. Authority to make payments from the municipal or trust funds [r.12(1)(a)].
Council Conditions on this Delegation:	<p>a. Authority to make payments is subject to annual budget limitations within 10% materiality contingency.</p> <p>b. Authority for the CEO to approve payments made in accordance with Clause 6 of the Town's Policy 1/009 'Legal Representation for Council Members and Employees' to the limit of \$10,000.</p>
Sub-Delegate/s: <i>Appointed by CEO</i>	<p>Deputy Chief Executive Officer (1)</p> <p>Director Regulatory Services (1)</p> <p>Director Community Services (1)</p> <p>Director Infrastructure Services (1)</p> <p>Manager Project Design and Delivery-Infrastructure Projects and Assets(1)</p> <p>Manager Waste Operations (1)</p> <p>Manager Parks, Gardens and Engineering Services-Infrastructure Operations (1)</p> <p>Manager Town Planning and Development (1)</p> <p>Manager Human Resources (1)</p> <p>Manager Leisure Facilities (1)</p> <p>Manager Community Development (1)</p> <p>Manager Environmental Health and Community Safety (1)</p> <p>Manager Financial Services (1)</p> <p>Manager Governance (1)</p> <p>Manager IGTPlanning and Analysis (1)</p> <p>Manager Marketing, Events and Communications (1)</p>
CEO Conditions on this Sub-Delegation:	<p>a. Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5.</p> <p>b. 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.</p> <p>c. The Municipal Fund and Trust Fund is to be signed by two (2) of the abovementioned officers.</p> <p>* <i>Note – payments for investments are specifically outlined under section 1.2.24 and are not included in this section.</i></p>

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1.2.22 Community Grants Program Policy

Express Power or Duty Delegated:	Local Government (Financial Management) Regulations 1996; r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
Delegate:	Chief Executive Officer
Function:	1. Approve and make payments in accordance with the 'Community Grants Program' policy and under Part 2 of the <i>Local Government (Financial Management) Regulations 1996</i>
Council Conditions on this Delegation:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Community Services
CEO Conditions on this Sub-Delegation:	<ul style="list-style-type: none"> a. Director Community Services can accept grant funding up to their delegated financial authority limit. b. The following circumstances require council approval for the acceptance of grants: Grants that result in expenditure not identified and authorised as part of the budget process will require a Quarterly Budget Review item, except; Grants that require more than a \$50,000 unbudgeted co-payment of funds from the Town of Port Hedland; or Grants where the amount varies significantly from that which has been identified and authorised as part of the budget process. Both these require a standalone agenda item.

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1.2.23 Defer, Grant Discounts, Waive or Write Off Debts

Express Power or Duty Delegated:	Local Government Act 1995: s.6.12 Power to defer, grant discounts, waive or write off debts
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Waive a debt which is owed to the Town [s.6.12(1)(b)]. 2. Grant a concession in relation to money which is owed to the Town [s.6.12(1)(b)]. 3. Write off an amount of money which is owed to the Town [s.6.12(1)(c)]
Council Conditions on this Delegation:	<p>This delegation does not negate the need for community groups or individuals to apply for funding and donation through policy 6/003 'Community Grants Program':</p> <ol style="list-style-type: none"> a. For an amount of up to \$2,000 (ex GST) for landfill fees in relation to Town of Port Hedland projects (per project); b. For an amount of up to \$200 (ex GST) for promotional purposes (i.e. giving away tickets); c. Write off debts (rates and others) with an invoice balance of \$500 or less; d. Debt may be waived or a concession applied or an amount of up to \$1,000 (ex GST) for individuals for fundraising or charitable purposes or not for profit community groups; e. For an amount of up to \$2,000 (ex GST) for Town of Port Hedland organised events; f. Director Regulatory Services, Director Community Services and Director Infrastructure Town Services 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 Town; g. Any other amount at the CEO's discretion only. <p><u>Waive a Debt:</u></p> <ol style="list-style-type: none"> <u>1. the Deputy Chief Executive Officer and all Directors may waive fees and charges related to their operational responsibilities, where such waiver is either to:</u> <ol style="list-style-type: none"> <u>i. a value less than \$2,000 per customer within a financial year; or</u> <u>ii. assist a not for profit community group or charitable entity, or where appropriate, at the discretion of the Deputy Chief Executive Officer and all Directors, in fulfilling a service, social or cultural outcome, within the Town.</u>

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	<p><u>2. the Director of Regulatory Services may waive fees and charges for an amount up to \$3,000.00 (ex GST) for any fees and charges whose imposition is inequitable during circumstances where the State Government has declared either an 'emergency situation' or 'state of emergency' pursuant to the <i>Emergency Management Act 2005</i>, or an 'public health emergency' declaration under the <i>Public Health Act 2016</i>, and in accordance with a prior Council resolution.</u></p> <p><u>Grant a Concession:</u></p> <p><u>3. the Deputy Chief Executive Officer and all Directors may provide a concession, in relation to money which is owed to the Town [s.6.12(1)(b)], related to their operational responsibilities, where such concession is either to:</u></p> <ul style="list-style-type: none"> <u>i. a value less than \$2,000 per customer within a financial year; or</u> <u>ii. assist a not for profit community group or charitable entity, or where appropriate, at the discretion of the Deputy Chief Executive Officer and all Directors, in fulfilling a service, social or cultural outcome, within the Town.</u> <p><u>Write off Debts:</u></p> <p><u>4. The Deputy Chief Executive Officer may only write off debts, excluding rates, limited to a value of less than \$5,000 per debtor within a financial year.</u></p> <p><u>The Chief Executive Officer has discretion to determine any conditions applicable to use of sub-delegated powers or duties.</u></p> <p><u>This delegation does not negate the need for community groups or individuals to apply for funding and donation through Policy 6/003 'Community Grants Program'.</u></p>
<p>Sub-Delegate/s: <i>Appointed by CEO</i></p>	<p>Deputy Chief Executive Officer (1, 2, 3) Director Regulatory Services (1, 2) Director Community Services (1, 2) Director Infrastructure Services (1, 2)</p>
<p>CEO Conditions on this Sub-Delegation:</p>	<p>Nil</p>

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1.2.24 Power to Invest and Manage Investments

Express Power or Duty Delegated:	<p><i>Local Government Act 1995:</i> s.6.14 Power to invest</p> <p><i>Local Government (Financial Management) Regulations 1996:</i> r.19 Investments, control procedures for</p>	
Delegate:	Chief Executive Officer	
Function:	<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 2/010 Council Investments. 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. The placement or redemption of all investments requires dual authorisation by the Chief Executive Officer or a Director, and another Director or Manager as appointed in writing by the CEO 	
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy Chief Executive Officer (2) Manager Financial Services (2)	
	Signatory 1	Signatory 2
CEO Conditions on this	<p>Chief Executive Officer (1)</p> <p>Director Corporate and Performance (1)</p> <p>Director Regulatory Services(1)</p> <p>Director Community Services (1)</p> <p>Director Infrastructure Services (1)</p> <p>Officers acting in the position of Manager cannot be appointed as a signatory.</p>	
		<p>Deputy Chief Executive Officer (1)</p> <p>Director Development, Sustainability and Lifestyle(1)</p> <p>Director Infrastructure Services (1)</p> <p>Director Community Services (1)</p> <p>Manager Environmental Health and Community Safety (1)</p> <p>Manager Financial Services (1)</p> <p>Manager Governance (1)</p> <p>Manager ICT-Planning and Analysis(1)</p> <p>Manager Marketing, Events and Communications (1)</p> <p>Manager Leisure Facilities (1)</p> <p>Manager Community Development (1)</p> <p>Manager Human Resources (1)</p> <p>Manager Waste Operations (1)</p> <p>Manager Town Planning and Development (1)</p> <p>Manager Project Design and Delivery-Infrastructure Projects and Assets (1)</p> <p>Manager Parks, Gardens and Engineering-Infrastructure Operations(1)</p>

Delegation Register



Sub-Delegation:

Delegation Register



1.2.25 Rate Record Amendment

Express Power or Duty Delegated:	Local Government Act 1995: s.6.39(1) Rate record s.6.39(2)(b) Rate record s.6.40(1) and (2) Rate record s.6.41 Service of rate notice
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to compile rate record, at the time and in the form and manner prescribed, for that financial year after Council resolve to impose rates [6.39(1)] 2. Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)]. 3. Authority to reassess the rates payable on the land and to give notice to the owner of the land of any change in the amount of rates payable on the land [6.40(1) and (2)] 4. Authority to provide the owner of rateable land a dated notice accompanied by the details and particulars described [6.41(1)]
Council Conditions on this Delegation:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy Chief Executive Officer (1, 2, 3, 4) Manager Financial Services (1, 2, 3, 4)
CEO Conditions on this Sub-Delegation:	Nil

Delegation Register



1.2.26 Agreement as to Payment of Rates and Service Charges

Express Power or Duty Delegated:	Local Government Act 1995: s.6.49 Agreement as to payment of rates and service charges
Delegate:	Chief Executive Officer
Function:	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:	a. Agreements must be in writing and must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied.
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy Chief Executive Officer (1) Manager Financial Services (1)
CEO Conditions on this Sub-Delegation:	a. Payments of rates and service charges to be done in accordance with Debt Management policy (2/005)

1.2.27 Determine Due Date for Rates or Service Charges

Express Power or Duty Delegated:	Local Government Act 1995: s.6.50 Rates or service charges due and payable
Delegate:	Chief Executive Officer
Function:	1. Authority to determine the date on which rates or service charges become due and payable to the Town [s.6.50].
Council Conditions on this Delegation:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy Chief Executive Officer (1) Manager Financial Services (1)
CEO Conditions on this Sub-Delegation:	Nil

Delegation Register



1.2.28 Recovery of Rates or Service Charges

Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.55 Rates or service charges recovery s.6.56 Rates or service charges recoverable in court
Delegate:	Chief Executive Officer
Function:	1. Authority to recover rates or service charges on land [s.6.55] 2. 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)].
Council Conditions on this Delegation:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy Chief Executive Officer (1, 2) Manager Financial Services (1, 2)
CEO Conditions on this Sub-Delegation:	Nil

1.2.29 Recover a Fee or Charge

Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.16 Imposition of fees and charges
Delegate:	Chief Executive Officer
Function:	1. The power to recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed under Part 6, Division 5 of the <i>Local Government Act 1995</i> .
Council Conditions on this Delegation:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy Chief Executive Officer (1) Manager Financial Services (1)
CEO Conditions on this Sub-Delegation:	Nil

Delegation Register



1.2.30 Recovery of Rates Debts – Require Lessee to Pay Rent

Express Power or Duty Delegated:	Local Government Act 1995: s.6.60 Local Government may require lessee to pay rent
Delegate:	Chief Executive Officer
Function:	<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 Town [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:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy Chief Executive Officer (1, 2) Manager Financial Services (1, 2)
CEO Conditions on this Sub-Delegation:	a. Payments of rates and service charges to be done in accordance with Debt Management policy (2/005)

Delegation Register



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

Express Power or Duty Delegated:	Local Government Act 1995: s.6.64(1) & (3) Actions to be taken s.6.69(2) Right to pay rates, service charges and costs, and stay proceedings s.6.71 Power to transfer land to Crown or local government s.6.74 Power to have land revested in Crown if rates in arrears 3 years
Delegate:	Chief Executive Officer
Function:	<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 Town [s.6.71]. 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)]. 3. 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:	a. In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale <u>without having</u> , within the previous 3-years attempted to recover the outstanding rates / charges through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes.
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

Delegation Register



1.2.32 Rate Record – Objections

Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.76 Grounds of objection
Delegate:	Chief Executive Officer
Function:	<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:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy Chief Executive Officer (1, 2)
CEO Conditions on this Sub-Delegation:	Nil

1.2.33 Authority to Commence Prosecutions under the Local Government Act and Local Laws

Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.4.97 Prosecutions s.9.24 Prosecutions, commencing
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. The power to commence a prosecution for an offence against the <i>Local Government Act 1995</i> [s.9.24(1)(b)&(c)]. 2. The power to commence a prosecution for an offence under a Town of Port Hedland local laws pursuant to Part 4, Division 11 [s.9.24(2)(a)&(b)].
Council Conditions on this Delegation:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy Chief Executive Officer (1, 2) Director Regulatory Services (1, 2) Director Community Services (1, 2) Director Infrastructure Services (1, 2)
CEO Conditions on this Sub-Delegation:	Nil

Delegation Register



1.2.34 Execute Documents and Contract Formalities

Express Power or Duty Delegated:	Local Government Act 1995: s.9.49A Execution of Documents s.9.49B Contract Formalities
Delegate:	Chief Executive Officer (1, 2) Director Regulatory Services(1, 2) Director Community Services (1, 2) Director Infrastructure Services (1, 2) Deputy Chief Executive Officer (1, 2)
Function:	1. To sign documents on behalf of the local government subject to the conditions below [s.9.49A(4)]. 2. To vary or discharge a contract in the name of or on behalf of the local government subject to conditions below [s.9.49B(1)].
Council Conditions on this Delegation:	a. The authorised officers may only sign documents in accordance with the Town’s Policy 1/104 Execution of Documents and Application of the Common Seal b. The authorised officers may only vary or discharge a contract that it has authorisation to sign pursuant to section 9.49A(4) and in accordance with the Town’s Policy 1/104 Execution of Documents and Application of the Common Seal
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

Delegation Register



1.3 CEO to Employees

Delegator:	Chief Executive Officer
Express Power to Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Express Power to Sub-Delegate:	Nil

1.3.1 Determine if an Emergency for Emergency Powers of Entry

Express Power or Duty Delegated:	Local Government Act 1995: s.3.34(2) Entry in emergency
Delegate/s:	Director Regulatory Services (1) Ranger and Emergency Services Advisor (1) Manager Environmental Health and Community Safety (1) Team Leader Ranger (1) Ranger(s) (1) Trainee Ranger(s) (1) Senior Environmental Health Officer (1) <u>Environmental Health Officer</u> Graduate Environmental Health Officer (1)
Function:	1. Authority to determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions [s.3.34(2)].
CEO Conditions on this Delegation:	Nil

Delegation Register



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

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:	Director Regulatory Services (1, 2, 3) Director Infrastructure Services (1, 2, 3)
Function:	When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.2.10: <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:	<ol style="list-style-type: none"> a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.10 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>.

Delegation Register



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

Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.11(6)(c) and (7)(c) Dangerous excavation in or near public thoroughfare – Sch. 9.1 cl.6
Delegate/s:	Director Regulatory Services (1, 2, 3) Director Infrastructure Services (1, 2, 3)
Function:	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:	<ol style="list-style-type: none"> a. Decisions under this Delegation must be exercised in alignment with Council’s Delegated Authority 1.2.13 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>.

Delegation Register



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

Express Power or Duty Delegated:	Local Government (Uniform Local Provisions) Regulations 1996: r.17(5)(b) and r.17(6)(c) Private works on, over, or under public places — Sch. 9.1 cl. 8
Delegate/s:	Director Regulatory Services (1, 2) Director Infrastructure Services (1, 2)
Function:	<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:	Nil

Delegation Register



1.3.5 Electoral Enrolment Eligibility Claims and Electoral Roll

Express Power or Duty Delegated:	<p><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</p> <p><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)</p>
Delegate/s:	Manager Governance (1, 2, 3, 4, 5, 6, 7, 8, 9, 10)
Function:	<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.3.42(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).

Delegation Register



1.3.6 Destruction of Electoral Papers

Express Power or Duty Delegated:	Local Government (Elections) Regulations 1996: r.82(4) Keeping election papers – s4.84(a)
Delegate/s:	Deputy Chief Executive Officer (1) Manager Governance (1)
Function:	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:	Nil

1.3.7 Financial Management Systems and Procedures

Express Power or Duty Delegated:	Local Government (Financial Management) Regulations 1996: r.5 CEO's Duties as to financial management
Delegate/s:	Deputy Chief Executive Officer (1) Manager Financial Services (1)
Function:	1. Authority to establish systems and procedures which give effect to internal controls and risk mitigation for the: <ol style="list-style-type: none"> i. Collection of money owed to the Town; ii. Safe custody and security of money collected or held by the Town; iii. Maintenance and security of all financial 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; vii. Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements.
CEO Conditions on this Delegation:	Nil

Delegation Register



1.3.8 Infringement Notices

Express Power or Duty Delegated:	<p><i>Local Government Act 1995:</i> s.9.13(6)(b) Onus of proof in vehicle offences may be shifted s.9.16 Notice, giving of to alleged offender 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 Town of Port Hedland Local Laws</p>
Delegate/s:	<p>Director Regulatory Services(1, 2-3, 4) Senior Strategic Planner (2) Senior Planner (2) Manager Town Planning and Development (2) Development Services Officer (2) Ranger and Emergency Services Advisor (1, 2) Manager Environmental Health and Community Safety (1, 2, 3) Senior Environmental Health Officer (2) Environmental Health Officer (2) Graduate Environmental Health Officer (2) Team Leader Ranger (1, 2) Ranger(s) (1, 2) Trainee Ranger(s) (1, 2) Senior Strategic Planner (2) Town Planner (2) Graduate Planner (2) Planning and Development Support Officer (2)</p>
Function:	<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 give an infringement notice to an alleged offender [9.16]. 3. 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]. 4. 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>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.</p>

Delegation Register



1.3.9 Acting Chief Executive Officer

Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.5.39(1a)(a) An employee may act in the position of a CEO
Delegate/s:	Deputy Chief Executive Officer (1) Director Regulatory Services(1) Director Community Services (1) Director Infrastructure Services (1)
Function:	1. Senior Employee to act in the capacity of Chief Executive Officer during absences not exceeding three months [s.5.39(1a)(a)]
CEO Conditions on this Delegation:	a. Only a senior permanent employee can be appointed as acting Chief Executive Officer and in accordance with 3/007 'Senior Employees and Appointing Acting Chief Executive Officer' policy.

1.3.10 Complaints Officer

Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.5.120 Complaints officer
Delegate/s:	Deputy Chief Executive Officer (1) Director Regulatory Services(1) Director Community Services (1) Director Infrastructure Services (1)
Function:	1. Senior employee to be the designated Complaints Officer under the <i>Local Government Act 1995</i> [s.5.120(a)].
CEO Conditions on this Delegation:	a. Persons employed and permanently appointed to the above senior employee positions are designated as the Town of Port Hedland Complaints Officer in the following order listed. In the absence of the Deputy Chief Executive Officer, the Director Regulatory Services will be the Complaints Officer, in the absence of the Director Regulatory Services, the Director Community Services will be the Complaints Officer and in the absence of the Director Community Services, the Director Infrastructure Services will be the Complaints Officer. b. Persons acting in the position of Director or Deputy Chief Executive Officer cannot receive this delegation.

Delegation Register



1.3.11 Making Payments to Employees in Addition to Contract or Award

Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.5.50 Making Payments to Employees in addition to Contract or Award
Delegate/s:	Chief Executive Officer
Function:	1. Making Payments to Employees in addition to Contract or Award in accordance with policy 1/027 'Severance Payments' pursuant to Part 5, Division 4 of the <i>Local Government Act 1995</i>
CEO Conditions on this Delegation:	Nil

1.3.12 Representing Local Government in Court

Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s. 9.29 Representing local government in court
Delegate/s:	Deputy Chief Executive Officer (1) Director Regulatory Services (1) Director Community Services (1) Director Infrastructure Services (1) Manager Financial Services (1) Manager Environmental Health and Community Safety (1) Senior Planner (1) Manager Town Planning and Development (1) Ranger and Emergency Services Adviser (1) Legal Advisor (1) Development Services Officer (1) Team Leader Ranger (1) Rangers (1) Senior Strategic Planner (1)
Function:	1. To represent the local government in proceedings in the Magistrates Court the Children's Court or the State Administrative Tribunal or proceedings in respect of a claim against a person who takes the benefit of an Act for the relief of bankrupt debtors [s.9.29(1)(a)&(b)]
CEO Conditions on this Delegation:	a. Provided the proceedings relate to the officer's position description.

Delegation Register



2. Emergency Management Act 2005

2.1 Council to CEO / Employees

Delegator:	Local Government
Express Power to Delegate:	<i>Emergency Management Act 2005:</i> s.45 Exercise of powers under this division
Express Power to Sub-Delegate:	Nil

2.1.1 Power of Local Government to Destroy Dangerous Vegetation or Premises in Cyclone Area

Express Power or Duty Delegated:	<i>Emergency Management Act 2005:</i> s.46 Power of local government to destroy dangerous vegetation or premises in cyclone area s.47 Local government may require owner or occupier of land to take action s.48 Additional powers when direction given
Delegate:	Chief Executive Officer (1) Director Regulatory Services(1) Manager Environmental Health and Community Safety (1) Ranger and Emergency Services Advisor (1) Team Leader Ranger (1) Ranger(s) (1) Trainee Ranger(s) (1)
Function:	1. Powers and functions of local government during a cyclone under Part 3 Division 3 of the <i>Emergency Management Act 2005</i>
Council Conditions on this Delegation:	Nil

Delegation Register



3. Freedom of Information Act 1992

3.1 CEO to Employees

Delegator:	Chief Executive Officer
Express Power to Delegate:	<i>Freedom of Information Act 1992:</i> s.100 Who in agency makes its decisions
Express Power to Sub-Delegate:	Nil

3.1.1 Decisions Made Under the Freedom of Information Act 1992

Express Power or Duty Delegated:	<i>Freedom of Information Act 1992:</i> s.100 Who in agency makes its decisions
Delegate:	Manager Governance (2) Legal Advisor (2) Senior Records Officer (1) Governance Advisor (1)
Function:	1. All primary decisions made under the <i>Freedom of Information Act 1992</i> , and 2. Internal review of primary decision as to access under section 41.
CEO Conditions on this Delegation:	Nil

Delegation Register



4. Public Interest Disclosures Act 2003

4.1 CEO to Employees

Delegator:	Chief Executive Officer
Express Power to Delegate:	<i>Public Interest Disclosures Act 2003:</i> s.23(1)(a) The principal executive officer of a public authority must designate the occupant of a specified position with the authority as the person responsible for receiving disclosures of public interest information
Express Power to Sub-Delegate:	Nil

4.1.1 Public Interest Disclosure Officer

Express Power or Duty Delegated:	<i>Public Interest Disclosures Act 2003:</i> S.23 Principal executive officer of public authority, duties of
Delegate:	Senior Governance Advisor (1)
Function:	1. The person responsible for receiving disclosures of public interest information under the <i>Public Interest Disclosures Act 2003</i>
CEO Conditions on this Delegation:	Nil

Delegation Register



5. Building Act 2011

5.1 Council to CEO / Employees

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
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)

5.1.1 Grant a Building Permit

Express Power or Duty Delegated:	<p><i>Building Act 2011:</i> s.18 Further Information s.20 Grant of building permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit <i>Building Regulations 2012:</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))</p>
Delegate:	Chief Executive Officer
Function:	<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].

Delegation Register



Council Conditions on this Delegation:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Regulatory Services (1, 2, 3, 4, 5) Manager Town Planning and Development (1, 2, 3, 4, 5) Senior Planner (1, 2, 3, 4, 5) Development Services Officer (1) Senior Strategic Planner (1, 2, 3, 4, 5)
CEO Conditions on this Sub-Delegation:	Nil

Delegation Register



5.1.2 Demolition Permits

Express Power or Duty Delegated:	<p><i>Building Act 2011:</i> s.18 Further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit</p> <p><i>Building Regulations 2012:</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))</p>
Delegate:	Chief Executive Officer
Function:	<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:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Regulatory Services(1, 2, 3, 4, 5) Manager Town Planning and Development (1, 2, 3, 4, 5) Senior Planner (1, 2, 3, 4, 5) Development Services Officer (1) Senior Strategic Planner (1, 2, 3, 4, 5)
CEO Conditions on this Sub-Delegation:	Nil

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5.1.3 Occupancy Permits or Building Approval Certificates

Express Power or Duty Delegated:	<p><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)</p>
Delegate:	Chief Executive Officer
Function:	<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:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Regulatory Services(1, 2, 3, 4) Manager Town Planning and Development (1, 2, 3, 4) Senior Planner (1, 2, 3, 4) Development Services Officer (1) Senior Strategic Planner (1, 2, 3, 4)
CEO Conditions on this Sub-Delegation:	Nil

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5.1.4 Designate Employees as Authorised Persons

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:	<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)]. 3. Authority to undertake the following functions as authorised persons: <ol style="list-style-type: none"> a) Entry powers [s.100] b) Powers after entry and compliance purposes [s.101] c) Obtaining information and documents [s.102] d) Use of force and assistance [s.103] e) Entry warrant to enter a place [s.106] f) Execution of warrant [s.109] g) To carry out the functions to give effect to a building order [s.118]
Council Conditions on this Delegation:	a. Decisions under this delegated authority should be in accordance with r.5 of the <i>Building Regulations 2012</i> .
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Regulatory Services (3a, 3b, 3c, 3d, 3e, 3f, 3g) Senior Planner (3a, 3b, 3c, 3d, 3e, 3f, 3g) Manager Town Planning and Development (3a, 3b, 3c, 3d, 3e, 3f, 3g) Development Services Officer (3a, 3b, 3c, 3d, 3e, 3f, 3g) Graduate Planner (3a, 3b, 3c, 3d, 3e, 3f, 3g) Planning and Development Support Officer (3a, 3b, 3c, 3d, 3e, 3f, 3g) Senior Strategic Planner (3a, 3b, 3c, 3d, 3e, 3f, 3g) Town Planner (3a, 3b, 3c, 3d, 3e, 3f, 3g)
CEO Conditions on this Sub-Delegation:	Nil

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5.1.5 *Infringement Notices - Section removed - See section 1.3.8*

5.1.6 *Appoint Authorised Persons (Swimming Pool Inspectors)*

Express Power or Duty Delegated:	<i>Building Regulations 2012: r.53 Inspection of barrier to private swimming pool</i>
Delegate:	Chief Executive Officer (1) Director Regulatory Services (1) <u>Senior Strategic Planner (1)</u> Senior Planner (1) Manager Town Planning and Development (1) Development Services Officer (1) Administration Officer Development, Sustainability and Lifestyle (1) Planning and Development Support Officer (1) Persons awarded a contract for the provision of pool inspecting services (1)
Function:	1. To inspect the barrier of private swimming pools every 4 years to ensure compliance with the <i>Building Regulations 2012</i> [r.53]
Council Conditions on this Delegation:	a. Authorisation from Local Government, pursuant to section 3.93(2)(d), 96(3) of the <i>Building Act 2011 Regulation 5A of the Building Regulation 2012</i> to designate authorised persons for the purpose of that Act

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5.1.7 Building Orders

Express Power or Duty Delegated:	<p><i>Building Act 2011:</i></p> <p>s.110(1) A permit authority may make a building order</p> <p>s.111(1) Notice of proposed building order other than building order (emergency)</p> <p>s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect</p> <p>s.118(2) and (3) Permit authority may give effect to building order if non-compliance</p> <p>s.133(1) A permit authority may commence a prosecution for an offence against this Act</p>
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> a. Building work b. Demolition work c. An existing building or incidental structure [s.110(1)]. 2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]. 3. Authority to revoke a building order [s.117]. 4. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> a. take any action specified in the order ; or b. commence or complete any work specified in the order; or c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)]. 5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)]. 6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the <i>Building Act 2011</i>.
Council Conditions on this Delegation:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	<p>Director Regulatory Services (1, 2, 3, 4, 5, 6)</p> <p>Manager Town Planning and Development (1, 2)</p> <p>Senior Planner (1, 2)</p> <p>Senior Strategic Planner (1, 2)</p> <p><u>Development Services Officer (1, 2)</u></p>
CEO Conditions on this Sub-Delegation:	Nil

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5.1.8 Inspection and Copies of Building Records

Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.131(2) Inspection, copies of building records
Delegate:	Chief Executive Officer
Function:	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
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Regulatory Services (1) Manager Town Planning and Development (1) Senior Planner (1) Development Services Officer (1) Planning and Development Support Officer (1) Graduate Planner (1) Senior Strategic Planner (1) Town Planner (1)
CEO Conditions on this Sub-Delegation:	Nil

5.1.9 Referrals and Issuing Certificates

Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.145A Local Government functions
Delegate:	Chief Executive Officer
Function:	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 Town's District [s.145A(2)].
Council Conditions on this Delegation:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Regulatory Services(1) Manager Town Planning and Development (1) Senior Planner (1) Development Services Officer (1) Senior Strategic Planner (1)
CEO Conditions on this Sub-Delegation:	Nil

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5.1.10 Private Pool Barrier – Alternative and Performance Solutions

Express Power or Duty Delegated:	<i>Building Regulations 2012:</i> r.51 Approvals by permit authority
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926.1 [r.51(2)] 2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)] 3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)].
Council Conditions on this Delegation:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

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5.1.11 Smoke Alarms – Alternative Solutions

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:	<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:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Regulatory Services (2) Manager Town Planning and Development (2) Senior Strategic Planner (2) Development Services Officer (2)
CEO Conditions on this Sub-Delegation:	Nil

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6. Bush Fires Act 1954

6.1 Powers, Duties and Functions of a Local Government

Delegator:	Local Government
Express Power to Delegate:	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power to Sub-Delegate:	Nil – Sub-delegation is prohibited by s.48(3)

Express Power or Duty Delegated:	<i>Bush Fires Act 1954</i> <i>Bush Fires Regulations 1954</i>
Delegate:	Chief Executive Officer
Function:	1. Authority to perform all of the powers, duties and functions of the local government under the <i>Bush Fires Act 1954</i> and <i>Bush Fires Regulations 1954</i>
Council Conditions on this Delegation:	<p>a. Excludes powers and duties that are subject to separate authority within this Register as set out below:</p> <ul style="list-style-type: none"> i. Delegation 6.2.1 - Make Request to FES Commissioner – Control of Fire; ii. Delegation 6.2.2 - Prohibited Burning Times – Vary; iii. Delegation 6.2.3 - Prohibited Burning Times – Control Activities; iv. Delegation 6.2.4 - Restricted Burning Times – Vary and Control Activities; v. Delegation 6.2.5 - Control of Operations Likely to Create Bush Fire Danger; vi. Delegation 6.2.6 - Burning Garden Refuse / Open Air Fires; vii. Delegation 6.2.7 - Firebreaks; viii. Delegation 6.2.8 - Appoint Bush Fire Control Officer/s and Fire Weather Officer; ix. Delegation 6.2.9 - Control and Extinguishment of Bush Fires; x. Delegation 6.2.10 - Apply for Declaration as an Approved Area; xi. Delegation 6.2.11 - Recovery of Expenses Incurred through Contraventions of this Act; xii. Delegation 6.2.12 - Prosecution of Offences; and xiii. Delegation 6.2.13 - Withdrawal of Infringement Notices; <p>are prescribed in the Act with a requirement for a resolution of local government; and are prescribed by the Act for performance by appointed officers.</p>

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6.2 Council to CEO, Mayor and Bush Fire Control Officer

6.2.1 Make Request to FES Commissioner – Control of Fire

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 (1) Chief Bush Fire Control Officer (1) Deputy Chief Bush Fire Control Officer (<i>Ranger and Emergency Services Advisor</i>) (1)
Function:	1. Authority to request on behalf of the Town 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:	Nil

6.2.2 Prohibited Burning Times - Vary

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:	Chief Executive Officer, (1) Mayor and Chief Bush Fire Control Officer (jointly) (1)
Function:	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:	a. Decisions under s,17(7) must be undertake jointly by both the Chief Executive Officer, Mayor and Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).

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6.2.3 Prohibited Burning Times – Control Activities

Express Power or Duty Delegated:	<p><i>Bush Fires Act 1954:</i> s.17(7) Prohibited burning times may be declared by Minister 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</p> <p><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</p>
Delegate:	<p>Chief Executive Officer (1, 2, 3, 4, 5, 6) Chief Bush Fire Control Officer (<i>Department of Fire & Emergency Services [DFES]</i>) (1, 3, 4, 5) Deputy Chief Bush Fire Control Officer (<i>Ranger and Emergency Services Advisor</i>) (1, 3, 4, 5)</p> <p>Bush Fire Control Officers:</p> <ul style="list-style-type: none"> • Team Leader Ranger (3) • Ranger(s) (3) • Chief Bush Fire Control Officer at Shire of Ashburton (3) • Chief Bush Fire Control Officer at Shire of East Pilbara (3) • HSES Manager Hedland Operations <i>at Fortescue Metals Group</i> (3)
Function:	<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 Town 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)].

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Council
Conditions
on this
Delegation:

- a. Decisions under s,17(7) must be undertake jointly by both the CEO and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).

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6.2.4 Restricted Burning Times – Vary and Control Activities

<p>Express Power or Duty Delegated:</p>	<p><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</p>
<p>Delegate:</p>	<p>Chief Executive Officer (1, 2, 3, 4, 5, 6, 7, 8, 9) Chief Bush Fire Control Officer (1, 3, 4, 5, 6, 7, 8) Deputy Chief Bush Fire Control Officer (<i>Ranger and Emergency Services Advisor</i>) (1, 3, 4, 5, 6, 7, 8)</p>
<p>Function:</p>	<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].

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	<ol style="list-style-type: none"> 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 use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)]. 9. Authority to recover the cost of measures taken by the Town 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)].
Council Conditions on this Delegation:	Nil

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6.2.5 Control of Operations Likely to Create Bush Fire Danger

Express Power or Duty Delegated:	<p><i>Bush Fires Act 1954:</i> s.27D Requirements for carriage and deposit of incendiary material</p> <p><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</p>
Delegate:	<p>Chief Executive Officer (1, 2) Chief Bush Fire Control Officer (1, 2) Deputy Chief Bush Fire Control Officer (<i>Ranger and Emergency Services Advisor</i>) (1, 2) Bush Fire Control Officers:</p> <ul style="list-style-type: none"> • <i>Team Leader Ranger</i> (1, 2) • <i>Ranger(s)</i> (1, 2) • <i>Chief Bush Fire Control Officer at Shire of Ashburton</i> (1, 2) • <i>Chief Bush Fire Control Officer at Shire of East Pilbara</i> (1, 2) • <i>HSES Manager Hedland Operations Fortescue Metals Group</i> (1, 2)
Function:	<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:	Nil

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6.2.6 Burning Garden Refuse / Open Air Fires

Express Power or Duty Delegated:	<p><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</p>
Delegate:	<p>Chief Executive Officer (1, 2, 3, 4, 5) Chief Bush Fire Control Officer (1, 2, 3, 4, 5) Deputy Chief Bush Fire Control Officer (<i>Ranger and Emergency Services Advisor</i>) (1, 2, 3, 4, 5) Bush Fire Control Officers:</p> <ul style="list-style-type: none"> • <i>Team Leader Ranger</i> (1, 2, 3, 4, 5) • <i>Ranger(s)</i> (1, 2, 3, 4, 5) • <i>Chief Bush Fire Control Officer at Shire of Ashburton</i> (1, 2, 3, 4, 5) • <i>Chief Bush Fire Control Officer at Shire of East Pilbara</i> (1, 2, 3, 4, 5) • <i>HSES Manager Hedland Operations Fortescue Metals Group</i> (1, 2, 3, 4, 5)
Function:	<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 bus 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

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	<p>Gazette and newspaper circulating in the District and authority to vary such notice [s.25(1a) and (1b)].</p> <p>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)].</p>
<p>Council Conditions on this Delegation:</p>	<p>Nil</p>

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6.2.7 Firebreaks

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 (1, 2) Director Regulatory Services (1, 2) Manager Environmental Health and Community Safety (1,2) Chief Bush Fire Control Officer (1) Deputy Chief Bush Fire Control Officer (Ranger and Emergency Services Advisor) (1) Team Leader Ranger (1) Ranger(s) (1) Trainee Ranger(s) (1)
Function:	<ol style="list-style-type: none"> 1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Town: <ol style="list-style-type: none"> a. clearing of firebreaks as determined necessary and specified in the notice; and b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and c. as a separate or coordinated action with any other person carry out similar actions [s.33(1)]. 2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)]. <ol style="list-style-type: none"> a. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].
Council Conditions on this Delegation:	Nil

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

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 (1, 2, 3) Chief Bush Fire Control Officer (2) Deputy Chief Bush Fire Control Officer (<i>Ranger and Emergency Services Advisor</i>) (2)	
Function:	<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 2 as the Chief Bush Fire Control Officer and 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 Town [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:	Nil	
Appointments	Deputy Chief Bush Fire Control Officer	Bush Fire Control Officer
	<ul style="list-style-type: none"> • <i>Ranger and Emergency Services Advisor</i> 	<ul style="list-style-type: none"> • <i>Team Leader Ranger</i> • <i>Ranger(s)</i> • <i>Chief Bush Fire Control Officer at the Shire of Ashburton</i> • <i>Chief Bush Fire Control Officer at the Shire of East Pilbara</i> • <i>HSES Manager Hedland Operations Fortescue Metals Group</i>

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6.2.9 Control and Extinguishment of Bush Fires

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 (1) Manager Environmental Health and Community Safety (1) Chief Bush Fire Control Officer (1) Deputy Chief Bush Fire Control Officer (<i>Ranger and Emergency Services Advisor</i>) (1) Ranger(s) (1) Trainee Ranger(s) (1)
Function:	<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:	Nil

6.2.10 Apply for Declaration as an Approved Area

Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.52(1) Approved area may be declared
Delegate:	Chief Executive Officer (1)
Function:	<ol style="list-style-type: none"> 1. Authority to apply to the Minister to have the local government district, or part of the district, declared as an approved area. [s.52(1)] <i>(Note - The declaration of a district, or part thereof, as an approved area, results in a reduction in insurance premium of crops within that area s.53.)</i>
Council Conditions on this Delegation:	Nil

Delegation Register



6.2.11 Recovery of Expenses Incurred through Contraventions of this Act

Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.58 General penalty and recovery of expenses incurred
Delegate:	Chief Executive Officer (1)
Function:	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 Town or those on behalf of the Town to do [s.58].
Council Conditions on this Delegation:	Nil

6.2.12 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 (1,2) Director Regulatory Services (1,2) Manager Environmental Health and Community Safety (2) Ranger and Emergency Services Advisor (2) Team Leader Ranger (2) Ranger(s) (2) Trainee Ranger(s) (2)
Function:	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:	Nil

Delegation Register



6.2.13 Withdrawal of Infringement Notices

Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.59A(5) Alternative procedure – infringement notices
Delegate:	Chief Executive Officer (1) Director Regulatory Services (1)
Function:	1. Authority to withdraw an infringement notice for an offence against this Act [s.59A(5)].
Council Conditions on this Delegation:	Nil

Delegation Register



7. Cat Act 2011

7.1 Council to CEO

Delegator:	Local Government
Express Power to Delegate:	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

7.1.1 Cat Registrations

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 s.13 Notice of decision regarding registrations <i>Cat Regulations 2012</i> Schedule 3, cl.1(4) Fees Payable
Delegate:	Chief Executive Officer
Function:	<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 Town's District [Regs. Sch. 3 cl.1(4)]. 6. Authority to give notice to owner of a cat of decisions regarding to registrations [s.13(1)]
Council Conditions on this Delegation:	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> .
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Regulatory Services (3, 4, 5, 6) Manager Environmental Health and Community Safety (3, 4, 6) Ranger and Emergency Services Advisor (1, 3, 6)

Delegation Register



	Team Leader Ranger (1, 3, 6) Ranger(s) (1, 3, 6) Trainee Ranger (1, 3, 6) Senior Librarian (1, 4) Libraries Supervisor (1, 4) Library Officer(s) (1, 4) Library Officer Local History (1,4) Customer Service Team Leader (1, 4) Customer Service Officer (1, 4) Administration Officer Development, Sustainability and Lifestyle (1, 4) Administration Officer Infrastructure and Town Services (1, 4) Administration Officer Corporate and Performance (1, 4)
CEO Conditions on this Sub-Delegation:	Nil

7.1.2 Cat Control Notices

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:	1. Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Town's District [s.26].
Council Conditions on this Delegation:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Regulatory Services (1) Manager Environmental Health and Community Safety (1) Ranger and Emergency Services Advisor (1) Team Leader Ranger (1) Ranger(s) (1) Trainee Ranger(s) (1)
CEO Conditions on this Sub-Delegation:	Nil

Delegation Register



7.1.3 Approval to Breed Cats

Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.37 Approval to Breed Cats s.38 Cancellation of approval to breed cats s.39 Certificate to be given to approved cat breeder s.40 Notice of decision
Delegate:	Chief Executive Officer
Function:	<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 [s.39]. 5. Authority to give notice of a decision regarding an application to breed cats [s.40]
Council Conditions on this Delegation:	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> .
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Regulatory Services (1, 2, 3, 4, 5) Manager Environmental Health and Community Safety (1, 2, 3, 4, 5) Team Leader Ranger (4) Senior Librarian (4) Libraries Supervisor (4) Library Officer(s) (4) Library Officer Local History (4) Customer Service Team Leader (4) Customer Service Officer(s) (4) Administration Officer Development, Sustainability and Lifestyle (4) Administration Officer Infrastructure and Town Services (4) Administration Officer Corporate and Performance (4)
CEO Conditions on this Sub-Delegation:	Nil

Delegation Register



7.1.4 Appoint Authorised Persons

Express Power or Duty Delegated:	<i>Cat Act 2011</i> : s. 48 Authorised persons
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to appoint authorised persons by issuing a certificate of authorisation [s.48]. 2. Authority to undertake the following functions as authorised persons: <ol style="list-style-type: none"> a) To seize a cat [s.27] b) To cause a cat to be destroyed [s. 49] c) To require a person's details [s. 50] d) To enter premises [s. 51] e) To carry out general powers of authorised person [s. 52] f) To apply for a warrant [s .57] g) To give an infringement notice [s. 62] h) To commence a prosecution [s. 73]
Council Conditions on this Delegation:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Regulatory Services (2a, 2b, 2c, 2d, 2e, 2f, 2g and 2h) Manager Environmental Health and Community Safety (2a, 2b, 2c, 2d, 2e, 2f and 2g) Ranger and Emergency Services Advisor (2a, 2b, 2c, 2d, 2e, 2f and 2g) Team Leader Ranger (2a, 2b, 2c, 2d, 2e, 2f and 2g) Rangers (2 a, 2b, 2c, 2d, 2e, 2f and 2g) Trainee Ranger (2 a, 2b, 2c, 2d, 2e, 2f and 2g)
CEO Conditions on this Sub-Delegation:	Nil

Delegation Register



7.1.5 Recovery of Costs – Destruction of Cats

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:	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:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

7.1.6 Applications to Keep Additional Cats

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:	<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)]. 3. 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:	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> .
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Regulatory Services (3) Manager Environmental Health and Community Safety (1, 2, 3) Ranger and Emergency Services Advisor (1, 2) Team Leader Ranger (1, 2) Ranger(s) (1, 2) Trainee Ranger(s) (1, 2)
CEO Conditions on this Sub-Delegation:	Nil

Delegation Register



7.1.7 Reduce or Waiver Registration Fee

Express Power or Duty Delegated:	<i>Cat Regulations 2012:</i> Schedule 3 Fees clause 1(4)
Delegate:	Chief Executive Officer
Function:	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:	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> .
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Regulatory Services (1)
CEO Conditions on this Sub-Delegation:	Nil

7.2 CEO to Employees

Delegator:	Chief Executive Officer
Express Power to Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Express Power to Sub-Delegate:	Nil

7.2.1 Infringement Notices – Extensions and Withdrawals

Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.64 Extension of time s.65 Withdrawal of notice
Delegate/s:	Director Regulatory Services (1, 2) Manager Environmental Health and Community Safety (1)
Function:	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:	Nil

Delegation Register



8. Dog Act 1976

8.1 Council to CEO

Delegator:	Local Government
Express Power to Delegate:	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (<i>NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation</i>)

8.1.1 Dog Registrations

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:	<ol style="list-style-type: none"> 1. Authority to determine a dog registration [s.16(2)]. 2. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)]. 3. 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)].

Delegation Register



	<p>4. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Town's District [s15(4A)].</p> <p>5. 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)].</p> <p>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)]</p>
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Sub-Delegate/s: <i>Appointed by CEO</i>	<p>Director Regulatory Services (2, 3, 4, 5)</p> <p>Manager Environmental Health and Community Safety (2, 3)</p> <p>Ranger and Emergency Services Advisor (1, 2, 3)</p> <p>Team Leader Rangers (1, 2, 3)</p> <p>Ranger(s) (1, 2, 3)</p> <p>Trainee Ranger (1, 2, 3)</p> <p>Senior Librarian (1)</p> <p>Libraries Supervisor (1)</p> <p>Library Officer (1)</p> <p>Library Officer Local History (1)</p> <p>Customer Service Officer (1)</p> <p>Customer Service Team Leader (1)</p> <p>Administration Officer Development, Sustainability and Lifestyle (1)</p> <p>Administration Officer Infrastructure and Town Services (1)</p> <p>Administration Officer Corporate and Performance (1)</p>
CEO Conditions on this Sub-Delegation:	Nil

Delegation Register



8.1.2 Kennel Establishments

Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.27 Licensing of approved kennel establishments s.26 Limitations and Exemptions
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)]. 2. Authority to limit the number of dogs and authority to issue an exemption [s.26]
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Regulatory Services (1, 2) Manager Environmental Health and Community Safety (1, 2)
CEO Conditions on this Sub-Delegation:	Nil

Delegation Register



8.1.3 Appoint Authorised Persons

Express Power or Duty Delegated:	<i>Dog Act 1976 and Dog Regulations 2013</i>
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to appoint authorised persons to exercise the powers conferred on an authorised person by this Act. 2. Authority to undertake the following functions as authorised persons <ol style="list-style-type: none"> (a) To seize dogs [s.29(1)] (b) To declare a dog to be dangerous [s.33] (c) To seize and destroy dogs [s.33G] (d) Issue an order regarding a nuisance dog [s.38] (e) Apply for an order that a dog be destroyed [s.39] (f) Request personal details [s.43A] (g) Commence enforcement proceedings [s.44] (h) Veterinary services [s.47] (i) To issue an infringement notice [r.35] (j) To withdraw infringement notices [r.37]
Council Conditions on this Delegation:	Nil
Sub-Delegate/s/ Authorisations: <i>Appointed by CEO</i>	Director Regulatory Services 2(a), 2(c), 2(d), 2(f), 2(h), 2(j) Manager Environmental Health and Community Safety 2(a), 2(c), 2(d), 2(f), 2(h), 2(i) Ranger and Emergency Services Advisor 2(a), 2(c), 2(d), 2(f), 2(h), 2(i) Team Leader Ranger 2(a), 2(c), 2(d), 2(f), 2(h), 2(i) Ranger 2(a), 2(c), 2(d), 2(f), 2(h), 2(i) Trainee Ranger 2(a), 2(c), 2(d), 2(f), 2(h), 2(i)
CEO Conditions on this Sub-Delegation:	Nil

Delegation Register



8.1.4 Recovery of Moneys due under this Act

Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.29(5) Power to seize dogs
Delegate:	Chief Executive Officer
Function:	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:	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

8.1.5 Dispose of or Sell Dogs Liable to be Destroyed

Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.29(11) Power to seize dogs
Delegate:	Chief Executive Officer
Function:	1. Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. b. Proceeds from the sale of dogs are to be directed into the Municipal Fund.
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Environmental Health and Community Safety (1) Ranger and Emergency Services Advisor (1) Team Leader Ranger (1) Ranger(s) (1) Trainee Ranger(s) (1)
CEO Conditions on this Sub-Delegation:	Nil

Delegation Register



8.1.6 Declare Dangerous Dog

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:	1. Authority to declare an individual dog to be a dangerous dog [s.33E(1)].
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate (sub-delegate).
Sub-Delegate/s:	Nil
CEO Conditions on this Sub-Delegation:	Nil

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

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), (2) and (5) Local government may revoke declaration or proposal to destroy
Delegate:	Chief Executive Officer
Function:	1. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)]. 2. 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)] 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:	a. The Chief Executive Officer may further delegate (sub-delegate).
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

Delegation Register



8.1.8 Determine Recoverable Expenses for Dangerous Dog Declaration

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:	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 any maximum amount prescribed, having regard to the 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:	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Regulatory Services (1) Manager Environmental Health and Community Safety (1) Team Leader Ranger (1)
CEO Conditions on this Sub-Delegation:	Nil

Delegation Register



9. Animal Welfare Act 2002

Delegator:	Chief Executive Officer
Express Power to Delegate:	<i>Animal Welfare Act 2002: a.33(2)(a)(v) Appointment of general inspectors</i>
Express Power to Sub-Delegate:	Nil

9.1 General Inspector

Express Power or Duty Delegated:	Animal Welfare Act 2002: s.33 Appointment of general inspectors
Delegate:	Ranger(s)
Function:	1. Power to carry out duties as a General Inspector [s.33]
CEO Conditions on this Delegation:	a. Appointment from Chief Executive Officer – Department of Public Service, pursuant to section 33 of the Animal Welfare Act 2002 (this is not a Council power to appoint)

Delegation Register



10. Food Act 2008

Delegator:	Local Government
Express Power to Delegate:	<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 to Sub-Delegate:	Nil - <i>Food Regulations 2009</i> do not provide for sub-delegation.

10.1 Council to CEO

10.1.1 Prohibition Orders

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:	Chief Executive Officer (1, 2, 3) Director Regulatory Services (1, 2, 3) Manager Environmental Health and Community Safety (1, 2, 3)
Function:	<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:	Nil

Delegation Register



10.1.2 Food Business Registrations

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:	Director Regulatory Services (1, 2) Manager Environmental Health and Community Safety (1, 2) Senior Environmental Health Officer (1, 2) Environmental Health Officer (1, 2) Graduate Environmental Health Officer (1, 2)
Function:	<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:	<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: <ol style="list-style-type: none"> i. <i>Food Act 2008</i> Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA ii. Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1 iii. WA Priority Classification System iv. Verification of Food Safety Program Guideline

Delegation Register



10.1.3 Appoint Authorised Officers and Designated Officers

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:	Chief Executive Officer
Function:	<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:	<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: <ol style="list-style-type: none"> i. Appointment of Authorised Officers as Meat Inspectors ii. Appointment of Authorised Officers iii. Appointment of Authorised Officers – Designated Officers only iv. Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer

Delegation Register



10.1.4 Authorised Persons

Express Power or Duty Delegated:	<i>Food Act 2008</i> : s.38 Exercise the powers of authorised officers s.40 Power of seizure s.41 To make an application for a warrant
Delegate:	Chief Executive Officer (1, 2, 3) Director Regulatory Services (1, 2, 3) Manager Environmental Health and Community Safety (1, 2, 3) Senior Environmental Health Officer (1, 2, 3) Environmental Health Officer (1, 2, 3) Graduate Environmental Health Officer (1, 2, 3)
Function:	To exercise the powers and functions of authorised persons under the <i>Food Act 2008</i> as described below 1. Exercise the powers of authorised officers 2. To make a seizure as prescribed in section 40 of the <i>Food Act 2008</i> 3. To make an application for a warrant
Council Conditions on this Delegation:	Nil

Delegation Register



10.1.5 Designated Officers and Infringement Notices

Express Power or Duty Delegated:	<i>Food Act 2008</i> : s.126(2) To give an infringement notice s.126(3) To inform and receive payment for modified penalties s.126(6) To extend the payment period for a modified penalty s.126(7) To withdraw an infringement notice
Delegate:	Chief Executive Officer (3, 4) Director Regulatory Services (3, 4) Manager Environmental Health and Community Safety (1, 2) Senior Environmental Health Officer (1, 2) Environmental Health Officer (1, 2) Graduate Environmental Health Officer (1, 2)
Function:	To exercise the powers and functions relating to infringement notice under section 126 of the <i>Food Act 2008</i> as described below: 1. To give an infringement notice 2. To inform and receive payment for modified penalties 3. To extend the payment period for a modified penalty 4. To withdraw an infringement notice
Council Conditions on this Delegation:	Nil

Delegation Register



10.1.6 Debt Recovery and Prosecutions

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:	Chief Executive Officer (1, 2) Director Regulatory Services (1, 2)
Function:	<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 <i>Food Act 2008</i> [s.125].
Council Conditions on this Delegation:	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.

10.1.7 Food Businesses List – Public Access

Express Power or Duty Delegated:	<i>Food Act 2008:</i> r.51 Enforcement agency may make list of food
Delegate:	Chief Executive Officer (1) Director Regulatory Services (1) Manager Environmental Health and Community Safety (1) Senior Environmental Health Officer (1) Graduate Environmental Health Officer (1)
Function:	<ol style="list-style-type: none"> 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:	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.

Delegation Register



11. Graffiti Vandalism Act 2016

Delegator:	Local Government
Express Power to Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

11.1 Council to CEO

11.1.1 Give Notice Requiring Obliteration of Graffiti

Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
Delegate:	Chief Executive Officer
Function:	<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:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Infrastructure Services (1, 2) Manager Parks, Gardens & Engineering services-Infrastructure Operations (1, 2)
CEO Conditions on this Sub-Delegation:	Nil

Delegation Register



11.1.2 Notices – Deal with Objections and Give Effect to Notices

Express Power or Duty Delegated:	Local Government Act 1995: s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
Delegate:	Chief Executive Officer
Function:	<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:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy Chief Executive Officer (1, 2) Director Regulatory Services (1, 2) Director Infrastructure Services (1, 2)
CEO Conditions on this Sub-Delegation:	Nil

Delegation Register



11.1.3 Obliterate Graffiti on Private Property

Express Power or Duty Delegated:	Local Government Act 1995: s.25(1) Local government graffiti powers on land not local government property
Delegate:	Chief Executive Officer
Function:	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:	a. Subject to exercising Powers of Entry.
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Infrastructure Services (1) Manager Parks, Gardens & Engineering services-Infrastructure Operations (1)
CEO Conditions on this Sub-Delegation:	Nil

11.1.4 Powers of Entry

Express Power or Duty Delegated:	Local Government Act 1995: s.28 Notice of entry s.29 Entry under warrant
Delegate:	Chief Executive Officer
Function:	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:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Infrastructure Services (1, 2) Manager Parks, Gardens & Engineering Services-Infrastructure Operations (1, 2) Ranger and Emergency Services Advisor (1, 2) Team Leader Ranger (1, 2) Ranger(s) (1, 2) Trainee Ranger(s) (1, 2)
CEO Conditions on this Sub-Delegation:	Nil

Delegation Register



12. Fines, Penalties and Infringement Notices Enforcement Act 1994

Delegator:	Local Government
Express Power to Delegate:	<i>Fines, Penalties and Infringement Notices Act 1994:</i> s.13(2) Approved prosecuting authorities and officers
Express Power to Sub-Delegate:	Nil

12.1 Council to CEO / Employees

12.1.1 Register and Withdraw Infringement Notices

Express Power or Duty Delegated:	<i>Fines, Penalties and Infringement Notices Act 1994:</i> s.16 Registration of infringement notice: enforcement certificate s.22 Prosecuting authority may withdraw proceedings
Delegate:	Chief Executive Officer (1, 2) Director Regulatory Services (1, 2) Manager Environmental Health and Community Safety (1) Manager Town Planning and Development (1) Development Services Officer (1) Team Leader Ranger (1) Ranger(s) (1) Trainee Ranger (1) Ranger and Emergency Services Advisor (1) Administration Officer Development, Sustainability and Lifestyle (1)
Function:	The powers and functions of designated officers under the <i>Fines, Penalties and Infringement Enforcement Act 1994:</i> 1. To register an infringement notice / enforcement certificate [s.16] 2. To withdraw proceedings [s.22]
Council Conditions on this Delegation:	Nil

Delegation Register



13. Litter Act 1979

Delegator:	Local Government
Express Power to Delegate:	<i>Litter Act 1979:</i> s.26 (1)(c)(ii) Authorised officers, appointment and jurisdiction of etc.
Express Power to Sub-Delegate:	Nil

13.1 Authorised Officers

Express Power or Duty Delegated:	<i>Litter Act 1979:</i> s.27 Authorised officers, powers of s.27A Offences involving vehicles, presumptions as to offender etc. s.30 Infringement notices
Delegate:	Chief Executive Officer (2, 3, 4) Director Regulatory Services (2, 3, 4) Manager Environmental Health and Community Safety (2, 3) Ranger and Emergency Services Advisor (1, 3) Team Leader Ranger (1, 3) Ranger (1, 3) Trainee Ranger (1, 3)
Function:	1. To issue infringement notices [s.30(1)] 2. To withdraw an infringement notice [s.30(4)&(4A)] 3. The powers and functions of authorised officers [s.27] 4. To institute a prosecution [s.27A]
Council Conditions on this Delegation:	Nil

Delegation Register



14. Control of Vehicles (Off Road Areas) Act 1978

Delegator:	Local Government
Express Power to Delegate:	<i>Control of Vehicles (Off-road Areas) Act 1978:</i> s.38(3)(a) Authorised officers, who are, functions of etc.
Express Power to Sub-Delegate:	Nil

14.1 Authorised Officers

Express Power or Duty Delegated:	<i>Control of Vehicles (Off-road Areas) Act 1978</i> s.37 Infringement notices s.38 Authorised officers, who are, functions of etc. s.40 Prosecutions, who may commence
Delegate:	Chief Executive Officer (2, 3, 4) Director Regulatory Services (2, 3, 4) Manager Environmental Health and Community Safety (1, 3) Team Leader Ranger (1, 3) Ranger (1, 3) Trainee Ranger (1, 3) Ranger and Emergency Services Advisor (1, 3)
Function:	The functions and powers of authorised officers under the <i>Control of Vehicles (Off Road Areas) Act 1978:</i> 1. To issue infringement notices [s37.(1)] 2. To withdraw and infringement notice [s.37(5)] 3. The powers and functions [s.38] 4. Institute a prosecution [s.40]
Council Conditions on this Delegation:	Nil

Delegation Register



15. Liquor Control Act 1988

Delegator:	Local Government
Express Power to Delegate:	<i>Liquor Control Act 1988:</i> s.39 Certificate of local government as to whether premises comply with laws s.40 Certificate of planning authority as to whether use of premises complies with planning laws
Express Power to Sub-Delegate:	<i>Liquor Control Act 1988:</i> s.39 Certificate of local government as to whether premises comply with laws s.40 Certificate of planning authority as to whether use of premises complies with planning laws

15.1 Council to CEO

15.1.1 Compliance Certificates

Express Power or Duty Delegated:	<i>Liquor Control Act 1988</i> s.39 Certificate of local government as to whether premises comply with laws s.40 Certificate of planning authority as to whether use of premises complies with planning laws
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> The power to issue a certificate of local government as to whether premises comply with laws [s.39] The power to issue a certificate of planning authority as to whether use of premises complies with planning laws [s.40]
Council Conditions on this Delegation:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Regulatory Services (1, 2) Manager Environmental Health and Community Safety (1) Manager Town Planning and Development (2) Senior Strategic Planner (2) Senior Planner (2) Senior Environmental Health Officer (1) Environmental Health Officer (1) Graduate Environmental Health Officer (1)
CEO Conditions on this Sub-Delegation:	Nil

Delegation Register



16. Public Health Act 2016

Delegator:	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate:	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
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)].

16.1 Council to CEO

16.1.1 Enforcement Agency Reports to the Chief Health Officer

Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.22 Reports by and about enforcement agencies
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 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 Town [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:	Nil

Delegation Register



16.1.2 Designate Authorised Officers

Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.24(1) and (3) Designation of authorised officers
Delegate:	Chief Executive Officer
Function:	<p>1. Authority to designate a person or class of persons as authorised officers for the purposes of:</p> <ul style="list-style-type: none"> i. The <i>Public Health Act 2016</i> or other specified Act ii. Specified provisions of the <i>Public Health Act 2016</i> or other specified Act iii. Provisions of the <i>Public Health Act 2016</i> or another specified Act, other than the specified provisions of that Act. <p>Including:</p> <ul style="list-style-type: none"> a. an environmental health officer or environmental health officers as a class; OR b. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR c. a mixture of the two. [s.24(1) and (3)].
Council Conditions on this Delegation:	<ul style="list-style-type: none"> a. Subject to each person so appointed being; <ul style="list-style-type: none"> i. Appropriately qualified and experienced [s.25(1)(a)]; and ii. 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.

Delegation Register



16.1.3 Determine Compensation for Seized Items

Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.264 Compensation
Delegate:	Chief Executive Officer (1) Director Regulatory Services (1)
Function:	1. Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264].
Council Conditions on this Delegation:	a. Compensation is limited to a maximum value of \$10,000 with any proposal for compensation above this value to be referred for Council's determination.

16.1.4 Commence Proceedings

Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.280 Commencing Proceedings
Delegate:	Chief Executive Officer (1) Director Regulatory Services (1)
Function:	1. Authority to commence proceedings for an offence under the <i>Public Health Act 2016</i> [s.280]
Council Conditions on this Delegation:	Nil

Delegation Register



17. Health (Miscellaneous Provisions) Act 1911

Delegator:	Local Government
Express Power to Delegate:	<i>Health (Miscellaneous Provisions) Act 1911:</i> s.26 Powers of local government
Express Power to Sub-Delegate:	Nil

17.1 Council to CEO / Employees

17.1.1 Functions of Authorised Persons

Express Power or Duty Delegated:	<i>Health (Miscellaneous Provisions) Act 1911:</i> s.354 Service of notice s.349 Entry
Delegate:	Chief Executive Officer (1, 2) Director Regulatory Services (1, 2) Manager Environmental Health and Community Safety (1, 2, 3) Senior Environmental Health Officer (1, 2, 3) <u>Environmental Health Officer (1, 2, 3)</u> Graduate Environmental Health Officer (1, 2, 3)
Function:	To exercise the powers and functions of an authorised persons and deputies under the <i>Health (Miscellaneous Provisions) Act 1911:</i> <ol style="list-style-type: none"> 1. Serve health orders in connection with requirements and repairs to businesses, shops and dwellings in accordance with the provisions of s.354. 2. Sign and issue licences and registrations issued. 3. Enter premises under s.349 and administer the provisions in the regulations.
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Authority is limited to the forming of opinion and issuing notices, requisitions, directions and orders and does not include the carrying out or causing to be carried out, of works in default of duly served notices, the undertaking or contracting of works, the provision of sanitary conveniences. b. Authority is limited to the forming of opinions and issuing notices and directions and does not include carrying out, or the arranging for the carrying out, of works in default of duly served notices. c. Authority extends to the issue of requisitions and, in the case of default, the causing of requisite work to be done. d. Delegations with respect to the <i>Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974</i> includes

Delegation Register



the approval of applications for effluent disposal systems as described in regulation 4 and issue permits to use effluent disposal systems as described in regulation 10.

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18. Caravan and Camping Grounds Act 1995

Delegator:	Local Government
Express Power to Delegate:	<i>Caravan Parks and Camping Ground Act 1995</i> s.5 Terms used s.23 Infringement notices
Express Power to Sub-Delegate:	<i>Caravan Parks and Camping Ground Act 1995</i> s.17 Appointment of authorised person

18.1 Grant of Licence

Express Power or Duty Delegated:	<i>Caravan Parks and Camping Ground Act 1995</i> s.7 Application for grant or renewal of licence s.9 Renewal after expiry s.10 Prohibition notice s.12 Cancellation of licence
Delegate:	Chief Executive Officer (1, 2, 3, 4) Director Regulatory Services (1, 2, 3, 4) Manager Environmental Health and Community Safety (1, 2, 3, 4) Senior Environmental Health Officer (1, 2) Environmental Health Officer (1, 2) Graduate Environmental Health Officer (1, 2)
Function:	The powers and functions relating to licensing of a facility under Part 2, Division 1 of the <i>Caravan Parks and Camping Ground Act 1995</i> : <ol style="list-style-type: none"> 1. To determine a licence for a facility [s.7] 2. To renew a licence for facility [s.9] 3. To give a licence holder a prohibition notice [s.10] 4. To cancel a licence [s.12]
Council Conditions on this Delegation:	Nil

Delegation Register



18.2 Appointment of Authorised Persons

Express Power or Duty Delegated:	<i>Caravan Parks and Camping Ground Act 1995</i> s.18 Powers of entry s.20 Entry of occupied caravan or camp s.21 Inspections and works specification notices
Delegate:	Chief Executive Officer
Function:	The following powers of entry and inspection under Part 3 of the <i>Caravan Parks and Camping Ground Act 1995</i> : 1. Powers of entry [s.18] 2. Entry of an occupied caravan or camp [s.20] 3. Inspections and work specification notices [s.21]
Council Conditions on this Delegation:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Regulatory Services (1, 2, 3) Manager Environmental Health and Community Safety (1, 2, 3) Senior Environmental Health Officer (1, 2, 3) Environmental Health Officer (1, 2, 3) Graduate Environmental Health Officer (1, 2, 3) Ranger and Emergency Services Advisor (1, 2, 3) Team Leader Rangers (1, 2, 3) Ranger(s) (1, 2, 3) Trainee Ranger(s)(1, 2, 3)
CEO Conditions on this Sub-Delegation:	Nil

Delegation Register



18.3 Infringement Notices

Express Power or Duty Delegated:	<i>Caravan Parks and Camping Ground Act 1995</i> s.23 Infringement notices
Delegate:	Chief Executive Officer (2, 3) Director Regulatory Services (2, 3) Manager Environmental Health and Community Safety (1) Senior Environmental Health Officer (1) Environmental Health Officer (1) Graduate Environmental Health Officer (1) Ranger and Emergency Services Advisor (1) Team Leader Ranger (1) Ranger(s) (1) Trainee Ranger(s) (1)
Function:	The following powers and functions regarding infringement notices under the <i>Caravan Parks and Camping Ground Act 1995</i> : <ol style="list-style-type: none"> 1. To give an infringement [s.23(2)] notice 2. To extend the period for payment of the modified penalty [s.23(5)] 3. To withdraw an infringement notice [s.23(7)]
Council Conditions on this Delegation:	Nil

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18.4 Camping other than at Caravan Park or Camping Ground

Express Power or Duty Delegated:	<i>Caravan Parks and Camping Ground Regulations 1997</i> r.11 Camping other than at caravan park or camping ground
Delegate:	Chief Executive Officer (1) Director Regulatory Services (1) Manager Environmental Health and Community Safety (1) Senior Environmental Health Officer (1) Environmental Health Officer (1) Graduate Environmental Health Officer (1)
Function:	1. To provide written approval for a person to camp on land referred to in r.11(1)(a) of the <i>Caravan Parks and Camping Grounds Regulations 1997</i> [r.11(2)(a)]
Council Conditions on this Delegation:	Nil

Delegation Register



19. Planning and Development Act 2005

Delegator:	Local Government
Express Power to Delegate:	<p><i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO <i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> r.82 Delegations by local government r.79 Entry and Inspection powers</p>
Express Power to Sub-Delegate:	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>

19.1 Council to CEO

19.1.1 Illegal Development

Express Power or Duty Delegated:	<p><i>Planning and Development Act 2005:</i> Section 214(2), (3) and (5)</p>
Delegate:	Chief Executive Officer
Function:	<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:	Nil

Delegation Register



Sub-Delegate/s: <i>Appointed by CEO</i>	Director Regulatory Services (1, 2, 3) Manager Town Planning and Development (1, 2, 3) Senior Planner (1, 2, 3) Senior Strategic Planner (1, 2, 3)
CEO Conditions on this Sub-Delegation:	Nil

19.1.2 Subdivision

Express Power or Duty Delegated:	<i>Planning and Development Act 2005:</i> S.142 To make recommendations and objections with respect to a subdivision plan
Delegate:	Chief Executive Officer
Function:	Provide correspondence regarding the powers and functions described below in the <i>Planning and Development Act 2005</i> 1. To make recommendations and objections with respect to a subdivision plan [s.142]
Council Conditions on this Delegation:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Regulatory Services (1) Manager Town Planning and Development (1) Senior Planner (1) Senior Strategic Planner (1)
CEO Conditions on this Sub-Delegation:	Nil

19.1.3 Enforcement Powers

Express Power or Duty Delegated:	<i>Planning and Development Act 2005</i> s.216 Breach of Act etc. or development approval, injunctions as to s.218 Planning scheme or condition on development, contravening etc.
Delegate:	Chief Executive Officer
Function:	The enforcement powers and functions described below in the <i>Planning and Development Act 2005:</i> 1. Apply for an injunction [s.216(1)] 2. Commence a prosecution [s.218]
Council Conditions on this Delegation:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Regulatory Services (1, 2)

Delegation Register



CEO Conditions on this Sub-Delegation:	Nil
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19.1.4 Reports to the Development Assessment Panel

Express Power or Duty Delegated:	<i>Planning and Development (Development Assessment) Panels Regulation 2011</i> r.12 Responsible authority must report to DAP
Delegate:	Chief Executive Officer
Function:	1. Provide the presiding member of a DAP a report on the development application [r.12]
Council Conditions on this Delegation:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Regulatory Services (1) Manager Town Planning and Development (1) Senior Planner (1) Senior Strategic Planner (1)
CEO Conditions on this Sub-Delegation:	Nil

19.1.5 Authorised Person – Infringement Notices and Enforcement Powers

Express Power or Duty Delegated:	<i>Planning and Development Act 2005</i> s.228 Giving of infringement notice s.230 Extending time to pay modified penalty s.231 Withdrawal of infringement notice
Delegate:	Chief Executive Officer, pursuant to section 234 of the Act and 79 of the Regulations (both these are the CEO's powers to appoint, not the Council's power)
Function:	The powers and functions relating to enforcement, and infringement notices for prescribed planning offences in Part 13, Division 3 of the <i>Planning and Development Act 2005</i> and the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> respectively: 1. To give an infringement notice for a prescribed planning offence [s.228(1)] 2. To extend time to pay the modified penalty [s.230] 3. To withdraw an infringement notice [s.231]
Council Conditions on this Delegation:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Regulatory Services (2, 3) Manager Town Planning and Development (1)

Delegation Register



	Senior Planner (1) Development Services Officer (1) Senior Strategic Planner (1)
CEO Conditions on this Sub-Delegation:	Nil

Delegation Register



19.2 Local Planning Scheme – Council to CEO

19.2.1 Development Applications

Express Power or Duty Delegated:	Under Part 9 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations</i> : r.68 Determination of applications r.77 Amending or cancelling development approval
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. To determine development applications and impose conditions [r.68]. 2. To determine whether to amend or cancel development applications and impose conditions [r.77].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. The delegated power under 1 and 2 (regulations 68 and 77) is conditional upon each of the following: <ol style="list-style-type: none"> i. The use in the development application is listed in the zoning table in the local planning scheme; Either: <ol style="list-style-type: none"> ii. no third-party objections have been received (whether the application has been advertised or not); or iii. third party objections have been received but cannot be substantiated on planning grounds. iv. Is not a development application for a transient workers accommodation within 20km of the town site boundary that proposes 16 or more beds; and v. Has a development value of less than \$7,000,000.
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Regulatory Services (1, 2) Manager Town Planning and Development (1, 2) Senior Planner (1, 2) Senior Strategic Planner (1, 2)
CEO Conditions on this Sub-Delegation:	Nil

Delegation Register



19.2.2 Structure Plans and local development plans

Express Power or Duty Delegated:	Under Parts 4, 5 and 6 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations</i> : r.17 Action by local government on receipt of application r.18 Advertising structure plan r.19 Consideration of submission r.20 Local government report to Commission r.29 Amendment of structure plan r.48 Preparation of local development plan r.50 Advertising of local development plan r.51 Consideration of submission r.52 Decision of local government r.53 Local development plan may provide for later approval of details of development r.59 Amendment of local development plan
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. To determine if a proposed structure plan complies with regulation 16(1) or if further information is required [r.17(1)]. 2. To determine whether to advertise a proposed structure plan and seek comment from any public authority or utility provider [r.18(1)]. 3. To consider any submissions made in respect of a proposed structure plan [r.19(1)]. 4. To prepare a report on the proposed structure plan and provide it to the Commission [r.20(1)]. 5. To determine if amendment to a Structure Plan requires advertising [r.29(3)]. 6. To determine if a proposed local development plan complies or if further information is required, and give the applicant an estimate of the fee for dealing with the application under regulation [r.49(1)]. 7. To determine whether to advertise a proposed local development plan and seek comment from any public authority or utility service provider [r.50(1)]. 8. To consider any submission made in respect of a proposed local development plan [r.51]. 9. To determine a local development plan for approval, approval subject to modification or refusal [r.52(1)]. 10. To approve a local development plan that provides for further details [r.53]. 11. To amend a local development plan [r.59(1)]. 12. To determine whether to advertise an amendment of a local development plan [r.59(4)].
Council Conditions on this Delegation:	Nil

Delegation Register



Sub-Delegate/s: <i>Appointed by CEO</i>	Director Regulatory Services (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12) Manager Town Planning and Development (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12) Senior Planner (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12) Senior Strategic Planner (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12)
CEO Conditions on this Sub-Delegation:	Nil

19.2.3 Authorised Person – Infringement notices and enforcement powers

Express Power or Duty Delegated:	Under Part 10 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations</i> : r.79 Entry and Inspection powers
Delegate:	Chief Executive Officer
Function:	1. To carry out the entry and inspection powers [r.79].
Council Conditions on this Delegation:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Regulatory Services (1) Manager Town Planning and Development (1) Senior Planner (1) Development Services Officer (1) Senior Strategic Planner (1)
CEO Conditions on this Sub-Delegation:	Nil

Delegation Register



20. Statutory Authorisations and Delegations to Local Government from State Government Entities

20.1 Environmental Protection Act 1986

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

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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



20.1.2 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



20.1.3 Noise Management Plans – Construction Sites

Published by:
Environment

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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



20.1.4 Appointment of Authorised Persons under the Environmental Protection Act 1986 and Environmental Protection (Noise) Regulations 1997

Delegator:	The CEO of the Department delegated the below power to any person of a local government who is appointed as an authorised person under section 87 of the <i>Environmental Protection Act 1986</i> (see Government Gazette, Delegation No.111 on 20 December 2013)
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Express Power or Duty Delegated:	<i>Environmental Protection (Noise) Regulations 1997</i> <i>r.13</i>
Delegate:	Chief Executive Officer (1) Director Regulatory Services (1) Manager Environmental Health and Community Safety (1) Senior Environmental Health Officer (1) Environmental Health Officer (1) Graduate Environmental Health Officer (1)
Function:	1. The functions and powers in relation to noise management plans [r.13]
Council Conditions on this Delegation:	Nil

Delegation Register



20.2 Planning and Development Act 2005

20.2.1 Instrument of Authorisation - Sign Development Applications for Crown Land as Owner

Delegator:	The Minister of Lands pursuant to section 267A of the Act delegated this power directly to the CEO of any local government (see Government Gazette dated 2 June 2016)
-------------------	---

Express Power or Duty Delegated:	The power to sign as owner in respect of Crown land relating to development applications under the <i>Planning and Development Act 2005</i> , subject to the below conditions.
Delegate:	Chief Executive Officer
Function:	1. The power to sign as owner in respect of Crown land
Council Conditions on this Delegation:	a. The powers in Column 1 subject to the conditions in Column 3 of the Schedule to Government Gazette dated 2 June 2016 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 27 day of June 2016.


HON DONALD TERENCE REDMAN MLA
 MINISTER FOR LANDS

Delegation Register

Town of
Port Hedland



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"> (i) 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 (ii) 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> <ul style="list-style-type: none"> (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); (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); (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); (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); (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); (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; (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); 	<ul style="list-style-type: none"> City of Albany City of Amadale Shire of Ashburton Shire of Augusta-Margaret River Town of Bassendean City of Bayswater City of Belmont Shire of Beverley Shire of Boddington Shire of Boyup Brook Shire of Bridgetown-Greenbushes Shire of Brockton Shire of Broome Shire of Broomehill-Tantoola Shire of Bruce Rock City of Bunbury Shire of Susselton Town of Cambridge City of Canning Shire of Capel Shire of Carramah Shire of Carravon Shire of Chapman Valley Shire of Chitling Shire of Christmas Island Town of Claremont City of Cockburn Shire of Coocos (Keeling) Islands Shire of Collie Shire of Coolberrin Shire of Coopers Shire of Corrigin Town of Cottlesloe Shire of Cranbrook Shire of Duballing Shire of Dug Shire of Cunderdin Shire of Dalwallinu Shire of Dardanup Shire of Denmark Shire of Derby/Neel Kimberley Shire of Doneybrook-Balingup Shire of Dowerin Shire of Dumbleyung Shire of Dundas Town of East Fremantle Shire of East Pilbara Shire of Esperance Shire of Exmouth City of Fremantle City of Greater Geraldton Shire of Gingin Shire of Gnowangerup Shire of Goomalling City of Guaroella Shire of Halls Creek Shire of Harvey Shire of Helme Shire of Jerramungup City of Joondalup Shire of Kalamunda City of Katanning-Boulder Shire of Katanning Shire of Kellerberrin Shire of Kerkira Shire of Kojonup Shire of Kondinin Shire of Kooda Shire of Kulin City of Mairianna Shire of Lake Grace Shire of Laverton Shire of Leonora City of Marshall Shire of Monjimp Shire of Mulcahara City of Melville Shire of Munjin Shire of Nairn Shire of Mingenew Shire of Moora Shire of Mullewa Town of Mochnan Park Shire of Mount Magnet Shire of Mt Marshall Shire of Mukinbudin Shire of Mundaring Shire of Murchison Shire of Murray 	<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 present 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 and component.</p>

Delegation Register



- Shire of Hannuay
 - Shire of Nambias
 - Shire of Narrogin
 - Town of Narrogin
 - City of Nedlands
 - Shire of Nganyucjiraku
 - Shire of Northam
 - Shire of Northampton
 - Shire of Nungerin
 - Shire of Peppermint Grove
 - Shire of Perenjari
 - City of Perth
 - Shire of Pingelly
 - Shire of Plantagenet
 - Town of Port Hedland
 - Shire of Quairading
 - Shire of Ravensthorpe
 - City of Rockingham
 - Shire of Rosbourn
 - Shire of Sandstone
 - Shire of Serpentine Jarrahdale
 - Shire of Shark Bay
 - City of South Perth
 - City of Stirling
 - 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 Wareroo
 - Shire of Waroona
 - Shire of West Arthur
 - Shire of Westonia
 - Shire of Wickepin
 - Shire of Williams
 - Shire of Wiluna
 - Shire of Wongah-Balldu
 - Shire of Woodanilling
 - Shire of Wyalkatchem
 - Shire of Wyndham-East Kimberley
 - Shire of Yalgoo
 - Shire of Yalgarn
 - Shire of York


HON DONALD TERENCE REDMAN MLA
MINISTER FOR LANDS
 day of *June* 2016

Delegation Register



20.2.2 WA Planning Commission – Section 25 of the Strata Titles Act 1985

Delegator:	The WAPC delegated the above power and function to the local government, and to members and officers of those local governments (see Government Gazette, Delegation 2009/03 on 9 January 2009)
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Express Power or Duty Delegated:	The functions and powers under section 25 of the <i>Strata Titles Act 1985</i> subject to the below conditions:
Delegate:	Chief Executive Officer (1) Director Regulatory Services (1) Manager Town Planning and Development (1) Senior Planner (1) Senior Strategic Planner (1)
Function:	1. Power to determine applications for the issuing of a certificate of approval under section 25 of the Act for a plan of subdivision, re-subdivision or consolidation subject to the below conditions and reporting requirements
Council Conditions on this Delegation:	<p>a. The delegation excludes applications that (as per Delegation 2009/03):</p> <ol style="list-style-type: none"> i. propose a vacant lot; ii. propose vacant air stratas in multi-tiered strata scheme developments; iii. 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 WPAC in writing, relate to – <ul style="list-style-type: none"> • a type of development; and /or • 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. iv. To provide the WAPC with data on all applications determined under the Instrument of Delegation at the conclusion of each financial year in a format prescribed by the WAPC

Delegation Register

Town of
Port Hedland



20.3 Road Traffic (Vehicles) Act 2012

20.3.1 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



21. Town of Port Hedland Local Laws

Delegator:	Local Government
Express Power to Delegate:	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO s.9.10 (1) Appointment of authorised persons
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

21.1 Parking Local Law 2015

21.1.1 Payment of Fee to Park in Parking Station

Express Power or Duty Delegated:	Clause 5.3(a) Payment of fee to park in parking station
Delegate:	Chief Executive Officer
Function:	1. Pursuant to the Town of Port Hedland Parking Local Law 2015, A person shall not park a vehicle, or permit a vehicle to remain parked, in a parking station during any period for which a fee is payable unless— (a) in the case of a parking station having an authorised person on duty, the appropriate fee is paid when demanded; or (b) in the case of a parking station equipped with parking meters, the appropriate fee is inserted in the meter or the required payment is made in such other form as may be permitted [cl. 5.3(a)].
Council Conditions on this Delegation:	Nil
Sub-Delegate/s: Appointed by CEO	Airport Staff (only for with respect to the Airport Land as defined in the Public Places and Local Government Property Local Law 2016) (1) Ranger and Emergency Services Advisor (1) Team Leader Ranger (1) Ranger(s) (1) Trainee Ranger(s) (1)
CEO Conditions on this Sub-Delegation:	Nil

Delegation Register



21.1.2 Restricted Parking Areas

Express Power or Duty Delegated:	Clause 6.1(3)
Delegate:	Chief Executive Officer (1) Director Regulatory Services (1) Manager Environmental Health and Community Safety (1)
Function:	Restrictions on parking in particular areas pursuant to the Town's Parking Local Law 2015: 1. A person shall not, without the prior permission of the local government, the CEO, or an authorised person, park a vehicle in an area designated by a sign stating "Authorised Vehicles Only" [cl. 6.1(3)]
Council Conditions on this Delegation:	Nil

21.1.3 Vehicle on Thoroughfare to Be Moved

Express Power or Duty Delegated:	Clause 6.9(1) and (2)
Delegate:	Chief Executive Officer (1, 2) Director Regulatory Services (1, 2) Manager Environmental Health and Community Safety (1, 2) Ranger and Emergency Services Advisor (1, 2) Team Leader Ranger (1, 2) Ranger(s) (1, 2) Trainee Ranger(s) (1, 2)
Function:	Authorised person may order vehicle on thoroughfare to be removed pursuant to the Town's Parking Local Law 2015: 1. The driver of a vehicle shall not park that vehicle on any part of a thoroughfare in contravention of this local law after an authorised person has directed the driver to move it [cl. 6.9]. 2. If the driver of a vehicle fails to comply with a direction given under subclause (1), an authorised person may impound the vehicle and may recover the costs of the removal of the vehicle from the driver of the vehicle [cl. 6.9].
Council Conditions on this Delegation:	Nil

Delegation Register



21.1.4 Authorised Person May Mark Tyres

Express Power or Duty Delegated:	Clause 6.10(1) Authorised person may mark tyres
Delegate:	Chief Executive Officer (1) Manager Environmental Health and Community Safety(1) Ranger and Emergency Services Advisor (1) Team Leader Ranger (1) Ranger(s) (1) Trainee Ranger(s) (1) Airport staff (only for with respect to the Airport Land as defined in the Public Places and Local Government Property Local Law 2016) (1)
Function:	1. Authorised person may mark tyres [cl. 6.10(1)]
Council Conditions on this Delegation:	Nil

21.1.5 Driving or Parking on Reserves

Express Power or Duty Delegated:	Clause 6.14
Delegate:	Chief Executive Officer (1) Manager Environmental Health and Community Safety (1) Ranger and Emergency Services Advisor (1) Team Leader Ranger (1) Ranger(s) (1) Trainee Ranger(s) (1)
Function:	Driving or parking on reserves pursuant to the Town's Parking Local Laws 2015: 1. No person other than an employee of the local government in the course of his or her duties or a person authorised by the local government shall drive or park a vehicle upon or over any portion of a reserve other than upon an area specifically set aside for that purpose [cl. 6.14]
Council Conditions on this Delegation:	Nil

Delegation Register



21.1.6 Suspension of Parking Limitations for Urgent, Essential or Official Duties

Express Power or Duty Delegated:	Clause 6.15(1),(2) – Suspension of parking limitations for urgent, essential or official duties
Delegate:	Chief Executive Officer (1) Director Regulatory Services (1) Manager Environmental Health and Community Safety (1)
Function:	1. Suspension of parking limitations for urgent, essential or official duties pursuant to the Towns Parking Local Law 2015 [cl. 6.15]
Council Conditions on this Delegation:	Nil

21.1.7 Infringements for Prescribed Offences as Per Schedule 2

Express Power or Duty Delegated:	Schedule 2 – An authorised person may issue an infringement for any prescribed offences as per Schedule 2
Delegate:	Chief Executive Officer (1) Director Regulatory Services (1) Manager Environmental Health and Community Safety (1) Ranger and Emergency Services Advisor (1) Team Leader Ranger (1) Ranger(s) (1) Trainee Ranger(s) (1) Authorised airport staff (only for with respect to the Airport Land as defined in the Public Places and Local Government Property Local Law 2016) (1)
Function:	1. An authorised person may issue an infringement for any prescribed offences as per Schedule 2 of the Towns Parking Local Law 2015
Council Conditions on this Delegation:	Nil

Delegation Register



21.2 Bush Fire Brigades Local Law 2017

21.2.1 Determining Seniority

Express Power or Duty Delegated:	Clause 3.2(3) Where more than one person is appointed as a Bush Fire Control Officer, the local government shall determine seniority as CBFCO, DCBFCO, and further seniority as is considered appropriate
Delegate:	Chief Executive Officer
Function:	1. Power to determine seniority as Chief Bush Fire Control Officer (CBFCO), Deputy Chief Bush Fire Control Officer (DCBFCO) and further seniority as is considered appropriate pursuant to the Town's Bush Fire Brigades Local Law 2017 [cl. 3.2(3)]
Council Conditions on this Delegation:	Nil

21.2.2 Disagreements

Express Power or Duty Delegated:	Clause 4.6(3) - The local government is the final authority on matters affecting the bush fire brigade and may resolve any disagreement which is not resolved under section 4.6(1) or (2)
Delegate:	Chief Executive Officer
Function:	1. The Local Government is the final authority on matters affecting the bush fire brigade pursuant to the Town's Bush Fire Brigades Local Law 2017 [cl. 4.6(3)]
Council Conditions on this Delegation:	Nil

Delegation Register



21.3 Public Places and Local Government Property Local Law 2016

21.3.1 Determinations

Express Power or Duty Delegated:	Clause 2.1 – Local Government may make determinations in accordance with clause 2.2 Clause 2.3 – Erect a sign to give notice of the effect of a determination Clause 2.6 – Amend or revoke a determination
Delegate:	Chief Executive Officer
Function:	1. Determinations in respect of Local Government property under the Town of Port Hedland Public Places and Local Government Property Local Law 2016
Council Conditions on this Delegation:	Nil

21.3.2 Activities Requiring a Licence

Express Power or Duty Delegated:	cl.3.1(1), (2) and (3) Activities requiring a Licence cl.3.2 Licence required to camp outside a facility cl.3.3 Licence required for possession and consumption of liquor
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"> Local government may exempt a person from compliance to requiring a licence and may exempt specified local government property or a class of local government property from the application of that person [cl.3.1]. Authority to impound any tent, camp, hut, similar structure erected on local government property without a licence [cl.3.2]. Authority to attach a notice to a vehicle, advising the owner that the vehicle will be released upon payment and if impounding costs are not paid within 24 hours, the vehicle may be removed to the local government pound [cl.3.2]. Authority to prohibit a person on local government property from consuming any liquor or have in his or her possession or under his or her control any liquor, without a licence [cl.3.3].
Council Conditions on this Delegation:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Regulatory Services (2, 3, <u>4</u>) Manager Environmental Health and Community Safety (2, 3, <u>4</u>) Ranger and Emergency Services Advisor (4) Team Leader Rangers (4) Ranger(s) (4)

Delegation Register



	Trainee Ranger(s) (4)
CEO Conditions on this Sub-Delegation:	Nil

21.3.3 Use of Local Government Property

Express Power or Duty Delegated:	Clause 4.6(1) – erect a sign specifying condition of use Clause 4.10 – give notice for liability of damage to government property
Delegate:	Chief Executive Officer
Function:	Use of Local Government property under the Town of Port Hedland Public Places and Local Government Property Local Law 2016: 1. Erect a sign specifying condition of use [cl. 4.6(1)] 2. Give notice for liability of damage to government property [cl. 4.10]
Council Conditions on this Delegation:	Nil

21.3.4 Authorised Officers

Express Power or Duty Delegated:	Clause 4.7 – Direct a person to leave local government property where they have contravened written law Clause 4.11 – Refuse entry to local government property Clause 5.9 – Close all or part of the airport if it is necessary Clause 5.10 – Undertake any controlled activity that may affect the airspace
Delegate:	Chief Executive Officer (1, 2, 3, 4) Deputy Chief Executive Officer (1, 2) Director Regulatory Services (1, 2) Director Community Services (1, 2) Director Infrastructure Services (1, 2) Manager Environmental Health and Community Safety (1, 2) Senior Environmental Health Officer (1, 2) Environmental Health Officer (1, 2) Graduate Environmental Health Officer (1, 2) Manager Leisure Facilities (2) Manager Community Development (2) Manager Marketing, Events and Communications (1, 2) Coordinator Aquatic Operations (1, 2) Leisure Business Coordinator (1, 2) Coordinator Stadium Operations (1, 2) Theatre and Cinema Operations Officer (1, 2) Technical Officer (1, 2)

Delegation Register



	Ranger and Emergency Services Advisor (1, 2) Team Leader Ranger (1, 2) Ranger(s) (1, 2) Trainee Ranger(s) (1, 2) Leisure Programs Officer (1, 2) Gym Team Leader (1, 2) Membership Experience Officers (1,2) Events and Bookings Officer (1, 2) Customer Service Team Leader (1, 2) Aquatic Duty Managers (1, 2) Aquatic Supervisor (1, 2) Casual Aquatic Duty Managers (1, 2) <u>Senior Arts and Culture Officer (1, 2)</u>
Function:	Use of local government property under the Town of Port Hedland Public Places and Local Government Property Local Law 2016: 1. Direct a person to leave local government property where they have contravened written law [cl. 4.7] 2. Refuse entry to local government property [cl. 4.11] 3. Close all or part of the airport if it is necessary [cl. 5.9] 4. Undertake any controlled activity that may affect the airspace [cl. 5.10]
Council Conditions on this Delegation:	Nil

21.3.5 Thoroughfares – General

Express Power or Duty Delegated:	Clause 6.17 – notice to redirect or repair sprinkler Clause 6.18 – notice to remove or cut hazardous plants Clause 6.19 – Notice to repair damage to thoroughfare Clause 6.20 – notice to remove thing unlawfully placed on thoroughfare
Delegate:	Chief Executive Officer
Function:	Activities in thoroughfares under the Town of Port Hedland Public Places and Local Government Property Local Law 2016 1. Notice to redirect or repair sprinkler [cl. 6.17] 2. Notice to remove or cut hazardous plants [cl. 6.18] 3. Notice to repair damage to thoroughfare [cl. 6.19] 4. Notice to remove thing unlawfully placed on thoroughfare [cl. 6.20]
Council Conditions on this Delegation:	Nil
Sub-Delegate/s:	Director Regulatory Services (3, 4)

Delegation Register



Appointed by CEO	Director Infrastructure Services (3, 4) Manager Parks, Gardens and Engineering Services <u>Infrastructure Operations</u> (3, 4) Manager Environmental Health and Community Safety (<u>1</u> , 2, 3, 4) Senior Environmental Health Officer (1, 2, 3, 4) <u>Environmental Health Officer (1, 2)</u> Graduate Environmental Health Officer (1, 2, 3, 4) Ranger and Emergency Services Advisor (1, 2, 3, 4) Team Leader Ranger (1, 2, 3, 4) Ranger(s) (1, 2, 3, 4) Trainee Ranger(s) (1, 2, 3, 4)
CEO Conditions on this Sub-Delegation:	Nil

Delegation Register



21.3.6 Grant Licence for Commercial Activity

Express Power or Duty Delegated:	<p>Clause 12.9 – Grant a licence to a person authorising the person to provide a specified type of commercial activity at one or more specified public places</p> <p>Clause 12.12 - Grant a licence subject to any condition that the local government considers appropriate</p> <p>Clause 12.19 – renewals of licence</p> <p>Clause 12.20 - restrictions on renewal of licence</p> <p>Clause 12.21 - renewal of licence</p> <p>Clause 12.22 – Suspension of licence</p> <p>Clause 12.24 – Revocation of suspension</p> <p>Clause 12.25 – cancellation of licence</p> <p>Clause 12.28 – amendment of licence</p>
Delegate:	Chief Executive Officer
Function:	<p>Grant Licence for Commercial Activity under the Town of Port Hedland Public Places and Local Government Property Local Law 2016:</p> <ol style="list-style-type: none"> 1. Grant a licence to a person authorising the person to provide a specified type of commercial activity at one or more specified public places [cl. 12.9] 2. Grant a licence subject to any condition that the local government considers appropriate [cl. 12.12] 3. Renewals of licence [cl. 12.19] 4. Restrictions on renewal of licence [cl. 12.20] 5. Renewal of licence [cl.12.21] 6. Suspension of licence [cl. 12.22] 7. Revocation of suspension [cl. 12.24] 8. Cancellation of licence [cl. 12.25] 9. Amendment of licence [cl. 12.28]
Council Conditions on this Delegation:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	<p>Director Regulatory Services (1, 2, 3, 4, 5, 6, 7, 8, 9)</p> <p>Manager Environmental Health and Community Safety (1, 2, 3, 4, 5, 6, 7, 9)</p> <p>Senior Environmental Health Officer (1, 2, 3, 4, 5, 6, 7, 9)</p> <p><u>Environmental Health Officer (1, 2, 3, 4, 5, 6, 7, 9)</u></p> <p>Graduate Environmental Health Officer (1, 2, 3, 4, 5, 6, 7, 9)</p>
CEO Conditions on this Sub-Delegation:	Nil

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21.3.7 Prescribed Offences – Schedule 7

Express Power or Duty Delegated:	<ol style="list-style-type: none"> 1. Items 1 to 4 2. Item 5 3. Items 6 to 48 4. Items 49 and 50 5. Item 51
Delegate:	Chief Executive Officer
Function:	Infringements for prescribed offences as per schedule 7 – Prescribed Offences
Council Conditions on this Delegation:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	<p>Director Regulatory Services (5)</p> <p>Manager Environmental Health and Community Safety (1, 2, 3, 4, 5)</p> <p>Senior Environmental Health Officer (1, 3, 4, 5)</p> <p><u>Environmental Health Officer (1, 3, 4, 5)</u></p> <p>Graduate Environmental Health Officer (1, 3, 4, 5)</p> <p>Ranger and Emergency Services Advisor (1, 2, 3, 5)</p> <p>Team Leader Ranger (1, 2, 3, 5)</p> <p>Ranger(s) (1, 2, 3, 5)</p> <p>Trainee Ranger(s) (1, 2, 3, 5)</p>
CEO Conditions on this Sub-Delegation:	Nil

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21.4 Cemetery Local Law 2015

21.4.1 General Powers

Express Power or Duty Delegated:	Clause 2.2– Grant of right of burial Clause 2.3– Right of holder Clause 3.4– Minimum Notice required Clause 4.2– Funeral director’s licence Clause 4.4– Application may be refused Clause 5.2– Funeral processions Clause 5.5– conduct of funeral by board Clause 5.6– Disposal of ashes Clause 6.4– opening of coffin Clause 7.5– Removal of sand, soil or loam Clause 7.6– Hours of work Clause 7.8– Use of wood Clause 7.11 – Minor maintenance and repair works Clause 7.14 – Requirements of a memorial plaque Clause 7.15 – Monumental mason’s licence Clause 7.17 – Carrying out monumental work Clause 7.19 – Cancellation of a monumental mason’s licence Clause 8.2– Damaging and removing of objects Clause 8.3– Flowers
Delegate:	Chief Executive Officer
Function:	Various Local Government Powers under the Town of Port Hedland Cemetery Local Law 2015: <ol style="list-style-type: none"> 1. Grant of right of burial [cl. 2.2] 2. Right of holder [cl. 2.3] 3. Minimum Notice required [cl.3.4] 4. Funeral director’s licence [cl. 4.2] 5. Application may be refused [cl. 4.4] 6. Funeral processions [cl. 5.2] 7. Conduct of funeral by board [cl. 5.5] 8. Disposal of ashes [cl. 5.6] 9. Opening of coffin [cl. 6.4] 10. Removal of sand, soil or loam [cl. 7.5] 11. Hours of work [cl. 7.6] 12. Use of wood [cl.7.8] 13. Minor maintenance and repair works [cl. 7.11] 14. Requirements of a memorial plaque [cl. 7.14] 15. Monumental mason’s licence [cl. 7.15] 16. Carrying out monumental work [cl. 7.17] 17. Cancellation of a monumental mason’s licence [cl. 7.19] 18. Damaging and removing of objects [cl. 8.2]

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	19. Flowers [cl.8.3]
Council Conditions on this Delegation:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Regulatory Services (1, 2, 3, 6, 15, 16, 17) Director Infrastructure Services (1, 2, 3, 6, 7, 10, 11, 12, 13, 14, 15, 16, 18, 19) Manager Parks, Gardens and Engineering Services <u>Infrastructure Operations</u> (1, 2, 3, 6, 7, 10, 11, 12, 13, 14, 15, 16, 18, 19)
CEO Conditions on this Sub-Delegation:	Nil

21.4.2 Authorised Officers

Express Power or Duty Delegated:	Clause 5.4 – Offenders may be ordered to leave Clause 6.1 – Depth of grave Clause 7.4 – Operation of work Clause 7.7 – Unfinished work Clause 7.10 – Supervision Clause 8.7 – Removal from the cemetery
Delegate:	Chief Executive Officer Director Infrastructure Services (1, 5, 6) Manager Parks, Gardens and Engineering Services <u>Infrastructure Operations</u> (1, 2, 3, 4, 5, 6)
Function:	Powers of an authorised officer under the Town's Cemetery Local Law 2015. 1. Offenders may be ordered to leave [cl. 5.4] 2. Depth of grave [cl. 6.1] 3. Operation of work [cl. 7.4] 4. Unfinished work [cl. 7.7] 5. Supervision [cl. 7.10] 6. Removal from the cemetery [cl. 8.7]
Council Conditions on this Delegation:	Nil

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21.4.3 Prescribed Offences

Express Power or Duty Delegated:	Schedule 1 – Prescribed offences Schedule 3 – Withdrawal of infringement notice
Delegate:	Chief Executive Officer (1, 2) Ranger and Emergency Services Advisor (1) Team Leader Ranger (1) Ranger(s) (1) Trainee Ranger(s) (1)
Function:	Infringements for prescribed offences as per schedule 1 and withdrawal of infringement notice as per Schedule 3 of the Town of Port Hedland Cemetery Local Law 2015: 1. Prescribed offences [schedule 1] 2. Withdrawal of infringement notice [schedule 3]
Council Conditions on this Delegation:	Nil

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21.5 Dogs Local Law

21.5.1 Various Powers

Express Power or Duty Delegated:	Clause 7.0 – 7.9 - Application for Kennel Establishment Licence Clause 10.1 – Fouling of Streets and Public Places and Reserves Clause 14.5 – Issue an acknowledgement or withdraw a notice
Delegate:	Chief Executive Officer
Function:	Various Local Government Powers under the Town of Port Local Law (DOGS): 1. Application for Kennel Establishment Licence [cl. 7.0 - 7.9] 2. Fouling of Streets and Public Places and Reserves [cl. 10.1] 3. Issue an acknowledgement or withdraw a notice [cl. 14.5]
Council Conditions on this Delegation:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Regulatory Services (1, 2, 3) Manager Environmental Health and Community Safety (1, 2) Senior Environmental Health Officer (1, 2) Environmental Health Officer (1, 2) Graduate Environmental Health Officer (1, 2) Ranger and Emergency Services Advisor (+,2) Team Leader Ranger (1, 2) Ranger(s) (+,2) Trainee Ranger(s) (+,2)
CEO Conditions on this Sub-Delegation:	Nil

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21.5.2 Authorised Officers

Express Power or Duty Delegated:	Clause 4.5 – Seizing a dog Clause 4.6 - Notifying the owner of a seized dog Clause 4.8 - Accepting proof of ownership Clause 8.1.14 – Request upkeep of kennels and yards Clause 14.2 – Notice of offence committed Second Schedule – Modified penalties
Delegate:	Chief Executive Officer (1, 2, 3, 4, 5, 6) Director Regulatory Services (3, 4, 5) Manager Environmental Health and Community Safety (3, 4, 5) Ranger and Emergency Services Advisor (1, 2, 3, 4, 5, 6) Team Leader Ranger (1, 2, 3, 4, 5, 6) Ranger(s) (1, 2, 3, 4, 5, 6) Trainee Ranger(s) (1, 2, 3, 4, 5, 6)
Function:	Powers of an authorised officer under the Town of Port Local Law (DOGS) <ol style="list-style-type: none"> 1. Seizing a dog [cl. 4.5] 2. Notifying the owner of a seized dog [cl. 4.6] 3. Accepting proof of ownership [cl. 4.8] 4. Request upkeep of kennels and yards [cl. 8.1.14] 5. Notice of offence committed [cl. 14.2] 6. Modified penalties [second schedule]
Council Conditions on this Delegation:	Nil

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21.6 Health Local Law 2016

21.6.1 Various Powers

<p>Express Power or Duty Delegated:</p>	<p>Clause 3.13 – Licensing of morgues Clause 4.3(2)(b) – Disposal of liquid waste Clause 6.5 - Local Government may execute work and recover costs under Division 1 – flies (Pest Control) Clause 6.8 - Local Government may execute work and recover costs under Division 2 – Mosquitoes (Pest Control) Clause 7.1(1) – Notice to clean, disinfect or disinfest Clause 7.3(2) – Notice to destroy or amend an insanitary house Clause 7.4 – Persons in contact with an infectious disease sufferer Clause 7.8 - Local Government may execute work and recover costs under Division 1 – General provisions (Infectious diseases) Clause 8.4 – Lodging house application Clause 8.5 – Renewal of registration – lodging house Clause 8.7(1) and (4) – Revocation of registration and notice thereof Clause 8.18 – Approval of mechanical ventilation in lieu of fixed ventilation Clause 8.24 – Keeper report Clause 9.5 – Certificate of registration Clause 9.7 – Alterations to premises Clause 10.1 – Infringement’s for offences and penalties</p>
<p>Delegate:</p>	<p>Director Regulatory Services (3, 8, 11) Manager Environmental Health and Community Safety (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16) Senior Environmental Health Officer (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16) Environmental Health Officer (1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16) Graduate Environmental Health Officer (1, 2, 3, 5, 7, 9, 10, 11, 12, 13, 14, 15, 16)</p>
<p>Function:</p>	<p>Various Local Government Powers under the Town’s Health Local Law 2016:</p> <ol style="list-style-type: none"> 1. Licensing of morgues [cl. 3.13] 2. Disposal of liquid waste [cl. 4.3(2)(b)] 3. Local Government may execute work and recover costs under Division 1 – flies (Pest Control) [cl. 6.5] 4. Local Government may execute work and recover costs under Division 2 – Mosquitoes (Pest Control) [cl. 6.8] 5. Notice to clean, disinfect or disinfest [cl. 7.1(1)] 6. Notice to destroy or amend an insanitary house [cl. 7.3(2)] 7. Persons in contact with an infectious disease sufferer [cl. 7.4]

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	<ul style="list-style-type: none"> 8. Local Government may execute work and recover costs under Division 1 – General provisions (Infectious diseases) [cl. 7.8] 9. Lodging house application [cl. 8.4] 10. Renewal of registration – lodging house [cl. 8.5] 11. Revocation of registration and notice thereof [cl. 8.7] 12. Approval of mechanical ventilation in lieu of fixed ventilation [cl. 8.18] 13. Keeper report [cl. 8.24] 14. Certificate of registration [cl. 9.5] 15. Alterations to premises [cl. 9.7] 16. Infringement's for offences and penalties [cl. 10.1]
Council Conditions on this Delegation:	Nil

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21.7 Animals, Environment and Nuisance Local Law 2016

21.7.1 Various Powers

Express Power or Duty Delegated:	<p>Clause 2.7 – application for approval to keep poultry and pigeons</p> <p>Clause 2.16(2) – Approval required to keep bees</p> <p>Clause 2.18(1) and (3) – Dispose of bees and bee hives or both</p> <p>Clause 2.20 - Licence to keep farm animals</p> <p>Clause 2.22 – Determination of application to keep farm animals</p> <p>Clause 2.24 – Variation or cancellation of licence to keep farm animals and conditions of licence</p> <p>Clause 2.25(2) – Conditions for keeping farm animals</p> <p>Clause 2.26 – keeping a miniature horse</p> <p>Clause 2.27 – keeping a miniature pig</p> <p>Clause 3.3 – unauthorised storage of materials</p> <p>Clause 3.4 – Prohibited activities</p> <p>Clause 3.7(2) – Notice requiring removal of refuse and disused materials</p> <p>Clause 3.8 – Notice requiring removal of unsightly overgrowth of vegetation</p> <p>Clause 3.11 – Notice requiring removal of hazardous trees</p> <p>Clause 4.3(c) – Notice to take such action to prevent emission or reflection of light</p> <p>Clause 4.4(3)(a) and (d) - Approval of burning rubbish, refuse or other material</p> <p>Clause 6.1(1) – Notice of breach</p> <p>Clause 6.3 – Undertake requirements of notice</p> <p>Schedule 1 – Prescribed offences item 1</p> <p>Schedule 1 – Prescribed offences items 2 to 3</p> <p>Schedule 1 – prescribed offences item 4</p> <p>Schedule 1 – prescribed offences items 5 to 6</p> <p>Schedule 1 – prescribed offences items 7 to 25</p> <p>Schedule 1 – prescribed offences item 26</p> <p>Schedule 1 – prescribed offences items 27 to 34</p> <p>Schedule 1 – prescribed offences items 35 and 36</p> <p>Schedule 1 - prescribed offences items 37 to 41</p> <p>Schedule 1 – prescribed offences item 42</p> <p>Schedule 1 – prescribed offences items 43 to 47</p> <p>Schedule 1 – prescribed offences items 48</p>
Delegate:	Chief Executive Officer
Function:	<p>Various Local Government Powers under the Town's Animals, Environment and Nuisance Local Law 2016:</p> <ol style="list-style-type: none"> 1. Application for approval to keep poultry and pigeons [cl. 2.7] 2. Approval required to keep bees [cl. 2.16(2)] 3. Dispose of bees and bee hives or both [cl. 2.18(1) and (3)] 4. Licence to keep farm animals [cl. 2.20] 5. Determination of application to keep farm animals [cl. 2.22] 6. Variation or cancellation of licence to keep farm animals and conditions of licence [cl. 2.24] 7. Conditions for keeping farm animals [cl. 2.25(2)]

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	<ul style="list-style-type: none"> 8. keeping a miniature horse [cl. 2.26] 9. keeping a miniature pig [cl. 2.27] 10. Unauthorised storage of materials [cl. 3.3] 11. Prohibited activities [cl. 3.4] 12. Notice requiring removal of refuse and disused materials [cl. 3.7(2)] 13. Notice requiring removal of unsightly overgrowth of vegetation [cl. 3.8] 14. Notice requiring removal of hazardous trees [cl. 3.11] 15. Notice to take such action to prevent emission or reflection of light [cl. 4.3(c)] 16. Approval of burning rubbish, refuse or other material [cl. 4.4(3)(a) and (d)] 17. Notice of breach [cl. 6.1(1)] 18. Undertake requirements of notice [cl. 6.3] 19. Prescribed offences item 1 [schedule 1] 20. Prescribed offences items 2 to 3 [schedule 1] 21. Prescribed offences item 4 [schedule 1] 22. Prescribed offences items 5 to 6 [schedule 1] 23. Prescribed offences items 7 to 25 [schedule 1] 24. Prescribed offences item 26 [schedule 1] 25. Prescribed offences items 27 to 34 [schedule 1] 26. Prescribed offences items 35 and 36 [schedule 1] 27. Prescribed offences items 37 to 41 [schedule 1] 28. Prescribed offences item 42 [schedule 1] 29. Prescribed offences items 43 to 47 [schedule 1] 30. Prescribed offences items 48 [schedule 1]
Council Conditions on this Delegation:	Nil
Sub-Delegate/s: Appointed by CEO	<p>Director Regulatory Services (3, 18, 30)</p> <p>Manager Environmental Health and Community Safety (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 23, 24, 25, 26, 27, 28, 29, 30)</p> <p>Senior Environmental Health Officer (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 23, 24, 25, 26, 27, 28, 29, 30)</p> <p><u>Environmental Health Officer (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 23, 24, 25, 26, 27, 28, 29, 30)</u></p> <p>Graduate Environmental Health Officer (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 23, 24, 25, 26, 27, 28, 29, 30)</p> <p>Ranger and Emergency Services Advisor (3, 10, 12, 13, 14, 16, 17, 19, 22, 23, 25, 27, 29, 30)</p> <p>Team Leader Ranger (3, 10, 12, 13, 14, 16, 17, 19, 22, 23, 25, 27, 29, 30)</p> <p>Ranger(s) (3, 10, 12, 13, 14, 16, 17, 19, 22, 23, 25, 27, 29, 30)</p> <p>Trainee Ranger(s) (3, 10, 12, 13, 14, 16, 17, 19, 22, 23, 25, 27, 29, 30)</p>

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	Ranger and Emergency Services Advisor (16, 17)
CEO Conditions on this Sub-Delegation:	Nil

21.7.2 Authorised officers

Express Power or Duty Delegated:	<p>Clause 2.26(2) and (3) - Keeping a miniature horse</p> <p>Clause 2.27(2) – Keeping a miniature pig</p> <p>Clause 2.28(1)(c) and (2) – Approval of materials for farm animal shelter</p> <p>Clause 2.30(1) – Impounding of livestock</p> <p>Clause 3.1 - Provision of refuse receptacles</p> <p>Clause 3.5(b) – Approval for dust management plan</p> <p>Clause 3.7 – Notice requiring the removal of refuse, rubbish or disused material</p> <p>Clause 3.8 – Notice requiring the removal of the overgrowth of vegetation</p> <p>Clause 4.4(5) – Determining fire danger rating</p> <p>Clause 4.8 – Approved method for disposal of swimming pool backwash</p> <p>Clause 4.11 – Abate a nuisance where an amusement is provided</p> <p>Clause 4.14(2) – Notice requiring a person to dispose of any feed or waste products</p>
Delegate:	<p>Chief Executive Officer</p> <p>Manager Environmental Health and Community Safety (1, 2, 3, 5, 6, 7, 8, 10, 11, 12)</p> <p>Senior Environmental Health Officer (1, 2, 3, 5, 6, 7, 8, 10, 11, 12)</p> <p>Environmental Health Officer (1, 2, 3, 5, 6, 7, 8, 10, 11, 12)</p> <p>Graduate Environmental Health Officer (1, 2, 3, 5, 6, 7, 8, 10, 11, 12)</p> <p>Ranger and Emergency Services Advisor (1, 2, 4, 7, 8, 9, 12)</p> <p>Team Leader Ranger (1, 2, 4, 7, 8, 9, 12)</p> <p>Ranger(s) (1, 2, 4, 7, 8, 9, 12)</p> <p>Trainee Ranger(s) (1, 2, 4, 7, 8, 9, 12)</p> <p>Ranger and Emergency Services Advisor (9)</p>
Function:	<p>Authorised Officer under the Town’s Animals, Environment and Nuisance Local Law 2016:</p> <ol style="list-style-type: none"> Keeping a miniature horse [cl. 2.26] Keeping a miniature pig [cl. 2.27] Approval of materials for farm animal shelter [cl. 2.28] Impounding of livestock [cl. 2.30] Provision of refuse receptacles [cl. 3.1] Approval for dust management plan [cl 3.5] Notice requiring the removal of refuse, rubbish or disused material [cl. 3.7] Notice requiring the removal of the overgrowth of vegetation [cl. 3.8] Determining fire danger rating [cl. 4.4] Approved method for disposal of swimming pool backwash[cl. 4.8]

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	11. Abate a nuisance where an amusement is provided [cl. 4.11] 12. Notice requiring a person to dispose of any feed or waste products [cl.4.14]
Council Conditions on this Delegation:	Nil

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21.8 Waste Local Law 2018

21.8.1 Authorised Officers

Express Power or Duty Delegated:	Clause 2.6(2) – Exemption Clause 3.1(d) – Duties of an Owner or Occupier Clause 3.3 – Receptacles and Containers for Public Use Schedule 2 – Prescribed Offences
Delegate:	Chief Executive Officer (1, 2, 3, 4) Director Regulatory Services (1, 2, 3, 4) Manager Waste Operations (1, 2, 3, 4) Coordinator Waste Operations (1, 2, 3, 4) <u>Waste Technical Officer (1, 2, 3, 4)</u> <u>Site Supervisor (1, 2, 3, 4)</u> Manager Environmental Health and Community Safety (4) Senior Environmental Health Officer (4) <u>Environmental Health Officer (4)</u> Graduate Environmental Health Officer (4) Team Leader Ranger (4) Ranger and Emergency Services Advisor (4) Rangers (4) Trainee Ranger (4)
Function:	Powers of an authorised officer under the Town’s Waste Local Law 2018: <ol style="list-style-type: none"> 1. Exemption [cl. 2.6(2)] 2. Duties of an Owner or Occupier [cl.3.1(d)] 3. Receptacles and Containers for Public Use [cl. 3.3] 4. Prescribed Offences [prescribed offences]
Council Conditions on this Delegation:	Nil