

TOWN OF PORT HEDLAND DELEGATION REGISTER



Town of
Port Hedland



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LOCAL GOVERNMENT ACT - REGISTER OF DELEGATIONS

The *Local Government Act 1995* allows for a local government to delegate to the Chief Executive Officer (Section 5.42) the exercise of any of its powers or the discharge of any of its duties under the Act, except those under section 5.43, and section 214(2), (3) or (5) of the Planning and Development Act 2005.

The Act allows for the Chief Executive Officer to delegate any of his powers to another employee (Section 5.44), this must be done in writing. The Act allows for the Chief Executive Officer to place conditions on any delegations if he desires. The powers cannot, however, be further sub-delegated.

The purpose of this document is to detail which authorities have been delegated by Council to the Chief Executive Officer or to authorised officers. The register details the related document(s) where the power to delegate is derived from. This enables easier cross referencing.

Limits on Delegations to the CEO

In accordance with section 5.43 of the *Local Government Act 1995* the following are decisions that cannot be delegated to the Chief Executive Officer:

- any power or duty that requires a decision of an absolute majority or 75% majority of the local government;
- accepting a tender which exceeds an amount determined by the local government;
- appointing an auditor;
- acquiring or disposing of any property valued at an amount determined by the local government;
- any of the local government's powers under Sections 5.98, 5.99 and 5.100 of the Act;
- borrowing money on behalf of the local government;
- hearing or determining an objection of a kind referred to in Section 9.5;
- the power under section 9.49(4) to authorize a person to sign documents on behalf of the local government
- any power or duty that requires the approval of the Minister or Governor; or
- such other duties or powers that may be prescribed.

Register of, and Records Relevant to, Delegations

In accordance with section 5.46 and 5.18 of the *Local Government Act 1995* a register of delegations, being this manual, relevant to the Chief Executive Officer, Town employees and/or Council Committees is to be kept and reviewed at least once every financial year.

Other Delegations/Authorisations

For ease of reference, this register also contains delegations and authorisations which are derived from a number of other pieces of legislation that prescribe the power to delegate.

NOTE: This Delegation Register is to be read in conjunction with all Town of Port Hedland Policies.

DOCUMENT CONTROL

Version Number	Delegation Number and Title	Description of Amendment	Date of Adoption / Amendment	Reference (Council Decision Number or Synergy Reference)

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1. LOCAL GOVERNMENT ACT 1995

1.1 FUNCTIONS OF LOCAL GOVERNMENTS

1.1.1 TENDERS AND EXPRESSIONS OF INTEREST

Function to be performed	The Power to carry out duties in relation to Tenders and Expressions of Interest pursuant to Part 4, Division 2 of the <i>Local Government (Functions and General) Regulations 1996</i> and the <i>Local Government Act 1995</i>
Legislative power or duty delegated	<ol style="list-style-type: none"> Section 3.57 - Inviting tenders for providing goods or services (subject to condition 2) Regulation 14(2a) - Determining the criteria for publicly inviting tenders Regulation 18(4), (5), (6) & (7) - Rejecting and accepting tenders by means of a written evaluation and authority to select the next most appropriate tenderer if the successful tenderer has not entered a contract within 6 months, or the contract is terminated within 6 months (subject to conditions 1 & 2) Regulation 20(1) and (2) - Variation of requirements before entry into contract Regulation 21(1) – Seeking expressions of interests for the supply of goods or services Regulation 23(1) & (3) - Rejecting and accepting expressions of interest to be acceptable tenderer
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Director Corporate and Performance (1, 3, 4, 5 and 6) Director Development, Sustainability and Lifestyle (1, 3, 4, 5 and 6) Director Infrastructure and Town Services (1, 3, 4, 5 and 6) Procurement Advisor (1, 3, 4, 5 and 6)
Conditions/ Reporting Requirements	<ol style="list-style-type: none"> The CEO may accept a Tender or Expression of Interest when the consideration involved does not exceed \$300,000 excluding GST provided that the appropriate provision is made in Council's Budget All above delegations must be in accordance with the 2/007 Purchasing Policy

1.1.2 PANEL OF PRE-QUALIFIED SUPPLIERS

Function to be performed	Establishing a panel of pre-qualified suppliers pursuant to Part 4, Division 3 of the <i>Local Government Act 1995</i> and the <i>Local Government (Functions & General) Regulations 1996</i>
Legislative power or duty delegated	<ol style="list-style-type: none"> 1. Regulation 24AB - Authority to establish a panel of pre-qualified suppliers 2. Regulation 24AD (1), (3) & (6) – Requirements when inviting person to apply to join panel of pre-qualified suppliers 3. Regulation 24AH (3) & (5) - Rejecting and accepting applications to join panel of pre-qualified suppliers 4. Regulation 24AJ (1) - Authority to enter into a contract, or contracts, for the supply of goods or services with a pre-qualified supplier who is part of a panel of pre-suppliers
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Director Corporate and Performance (1, 2) Director Development, Sustainability and Lifestyle (1,2) Director Infrastructure and Town Services (1, 2)
Conditions/ Reporting Requirements	<ol style="list-style-type: none"> 1. This delegation only applies where there is an appropriate provision made in the budget 2. Evaluation criteria is to be in accordance with 2/022 Panels of Pre-Qualified Suppliers policy

1.1.3 DISPOSAL OF PROPERTY

Function to be performed	<p>The disposal of property in accordance with Part 3, Division 3 of the <i>Local Government Act 1995</i></p> <p>Notwithstanding point (1), that Council delegate authority to the Chief Executive Officer to dispose of land within the Kingsford Smith Business Park and the authority to accept offers within ten percent of the market value obtained in accordance with the provisions of the <i>Local Government Act 1995</i>. The below conditions apply:</p> <ol style="list-style-type: none"> all disposals of property below \$2million 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 all disposals of property exceeding \$2million 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.
Legislative power or duty delegated	<ol style="list-style-type: none"> Section 3.58(1), (2) & (3) - Disposing of property <ul style="list-style-type: none"> Disposal of property at public auction must not exceed individual market value in excess of \$150,000 Disposal of property to a public tenderer must not exceed individual market value in excess of \$150,000
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	<p>Director Corporate and Performance (1, 2 and 3 as per conditions below)</p> <p>Director Development, Sustainability and Lifestyle (1, 2 and 3 as per conditions below)</p> <p>Director Infrastructure and Town Services (1, 2 and 3 as per conditions below)</p>
Conditions/ Reporting Requirements	<p>The below conditions apply to the disposal of property:</p> <ol style="list-style-type: none"> expressions of interest (not exceeding \$150,000); by private treaty; and by gifting or donating a property (not exceeding \$5,000)

1.1.4 CLOSURE AND PARTIAL CLOSURE OF CERTAIN THOROUGHFARES TO VEHICLES

Function to be performed	Closure and partial closure of certain thoroughfares to vehicles pursuant to the Part 3, Division 3 of the <i>Local Government Act 1995</i>
Legislative power or duty delegated	<ol style="list-style-type: none"> Section 3.50(1) (1a) & (8) - Close any thoroughfare that the Town of Port Hedland manages to the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks and give local public notice of a closure prior to closure or as soon as practicable after the thoroughfare is closed Section 350A - Partially and temporarily close a thoroughfare, without giving local public notice, if the closure: <ol style="list-style-type: none"> is for the purpose of carrying out repairs or maintenance; and is unlikely to have a significant adverse effect on users of the thoroughfare <p><i>Determination shall be in accordance with the Road Traffic (Events on Roads) Regulations 1991</i></p>
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Director Infrastructure and Town Services
Conditions/ Reporting Requirements	Nil

1.1.5 DISPOSAL OF SICK OR INJURED ANIMALS

Function to be performed	Disposal of sick or injured animals pursuant to Part 3, Division 6 of the <i>Local Government Act 1995</i>
Legislative power or duty delegated	<ol style="list-style-type: none"> Section 3.47A(1) - If an impounded animal is ill or injured to such an extent that treating it is not practicable, the local government may humanely destroy the animal and dispose of the carcass
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Team Leader Ranger Ranger(s) Trainee Ranger(s) Community Emergency Services Advisor
Conditions/ Reporting Requirements	Nil

1.1.6 DISPOSING OF CONFISCATED OR UNCOLLECTED GOODS

Function to be performed	Disposal of confiscated or uncollected goods pursuant to Part 3, Division 3 of the <i>Local Government Act 1995</i>
Legislative power or duty delegated	<ol style="list-style-type: none"> Sections 3.47(1) - Sell or otherwise dispose of any goods that have been ordered to be confiscated under s.3.43 of the <i>Local Government Act 1995</i> Section 3.47(2) - Sell or dispose of vehicle two months after notice provided under section 3.40(3) or 7 days after vehicle declared an 'abandoned vehicle wreck' under s.3.40A (4) Section 2(a) - Sell or otherwise dispose of any goods that have not been collected within the periods specified in section 3.47(2b)
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Team Leader Ranger Ranger(s) Trainee Ranger(s) Community Emergency Services Advisor
Conditions/ Reporting Requirements	Nil

1.1.7 REMOVE AND IMPOUND ANY GOODS AND ABANDONED VEHICLE

Function to be performed	Power to remove and impound any goods or vehicle that may be impounded or removed if deemed an abandoned vehicle wreck pursuant to Part 3, Division 3 of the <i>Local Government Act 1995</i>
Legislative power or duty Authorised	<ol style="list-style-type: none"> Section 3.39(1) - Remove and impound any goods that are involved in a contravention that can lead to impounding Section 3.40(1) - 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 Section 3.40A(1) - Remove and impound a vehicle that, in the opinion of the local government, is an abandoned vehicle wreck
Authorisation from	Local Government, pursuant to Section 9.10(1) of the <i>Local Government Act 1995</i>
Authorisation	Chief Executive Officer Team Leader Ranger Ranger(s) Trainee Ranger(s) Community Emergency Services Advisor
Delegation to	<i>Not applicable – its direct to authorised employee</i>
Conditions/ Reporting Requirements	Nil

1.1.8 GOODS MAY BE WITHHELD UNTIL COSTS PAID

Function to be performed	Goods may be withheld until costs paid pursuant to Part 3, Division 3 of the <i>Local Government Act 1995</i>
Legislative power or duty delegated	1. Section 3.46(1) - A local government may refuse to allow goods impounded under section 3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Team Leader Ranger Ranger(s) Trainee Ranger(s) Community Emergency Services Advisor
Conditions/ Reporting Requirements	Nil

1.1.9 DECLARING A VEHICLE TO BE AN ABANDONED VEHICLE WRECK

Function to be performed	Vehicle may be declared an abandoned vehicle wreck pursuant to Part 3, Division 3 of the <i>Local Government Act 1995</i>
Legislative power or duty delegated	1. Section 3.40A(4) - If after seven days from the removal of a vehicle deemed to be an abandoned wreck the owner of the vehicle has not been identified or after seven days from the giving of a notice the owner has not collected the vehicle may be declared an abandoned vehicle wreck
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Team Leader Ranger Ranger(s) Trainee Ranger(s) Community Emergency Services Advisor
Conditions/ Reporting Requirements	Nil

1.1.10 RECOVERY OF IMPOUNDING EXPENSES

Function to be performed	Recover any expenses incurred from the alleged offender if goods are removed and impounded pursuant to Part 3, Division 3 of the <i>Local Government Act 1995</i>
Legislative power or duty delegated	1. Section 3.48 - If goods are removed and impounded under section 3.39 and the alleged offender is convicted, the local government may, by action in a court of competent jurisdiction, recover from the alleged offender in accordance with section 3.48(a),(b) and (c)
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Nil
Conditions/ Reporting Requirements	Nil

1.1.11 POWERS OF ENTRY

Function to be performed	General Powers of entry pursuant Part 3, Division 3 of the <i>Local Government Act 1995</i>
Legislative power or duty delegated	1. Section 3.28 - Enter Land 2. Section 3.32 - Notice of Entry 3. Section 3.33 - Entry under warrant 4. Section 3.34 - Entry in an emergency 5. Section 3.36 - Opening fences
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Director Development, Sustainability and Lifestyle Principal Town Planner (2) Community Emergency Services Advisor Manager Environmental Health and Community Safety Senior Environmental Health Officer (2) Graduate Environmental Health Officer (2) Graduate Planner (2) Legal Advisor(1, 3 and 4) Team Leader Ranger (1, 2, 3 and 4) Ranger(s) (1, 3 and 4) Trainee Ranger(s) (1, 3 and 4)
Conditions/ Reporting Requirements	Nil

1.1.12 NOTICES ISSUED TO OWNER OR OCCUPIER OF LAND

Function to be performed	Notices requiring certain things to be done by owner or occupier of land pursuant to Part 3, Division 3 of the <i>Local Government Act 1995</i> and the <i>Local Government (Uniform Local Provisions) Regulation 1996</i>
Legislative power or duty delegated	<ol style="list-style-type: none"> Section 3.25(1) - A local government may 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 Regulation 7A and 7 - Obstruction of public thoroughfare by fallen things and removal of a structure or a tree encroaching on public thoroughfare
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Director Development, Sustainability and Lifestyle Director Infrastructure and Town Services
Conditions/ Reporting Requirements	Nil

1.1.13 DANGEROUS EXCAVATION IN OR NEAR PUBLIC THOROUGHFARE

Function to be performed	Dangerous excavation in or near public thoroughfare pursuant to regulation 6 of the <i>Local Government (Uniform Local Provisions) Regulation 1996</i>
Legislative power or duty delegated	1. Regulation 11(1) and (6) - If there is, in a public thoroughfare or land adjoining a public thoroughfare, an excavation that the local government considers to be dangerous, the local government may — (a) fill in or fence the excavation; or (b) in writing request the owner or occupier of the land to fill in or securely fence the excavation and grant permissions in accordance with regulation 11(6)(a),(b) and (c)
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Director Development, Sustainability and Lifestyle Director Infrastructure and Town Services
Conditions/ Reporting Requirements	Nil

1.1.14 APPLICATIONS AND REPAIRS OF CROSSINGS FOR PUBLIC THOROUGHFARE, PRIVATE LAND AND PRIVATE THOROUGHFARE

Function to be performed	Applications, repairs and costs of crossings for public thoroughfare, private land and private thoroughfare pursuant to regulations 12, 13 and 17 of the Local Government (<i>Uniform Local Provisions</i>) Regulation 1996
Legislative power or duty delegated	<ol style="list-style-type: none"> Regulation 12 - The local government may, in writing and subject to regulation 14(2) — (a) approve the construction, under the supervision of, and to the satisfaction of, the local government, of a crossing giving access from a public thoroughfare to — (i) the land; or (ii) a private thoroughfare serving the land; or (b) agree to construct for the applicant a crossing giving access from a public thoroughfare to — (i) the land; or (ii) a private thoroughfare serving the land Regulation 13 - A local government may, subject to regulation 14(2), give a person who is the owner or occupier of private land a notice in writing requiring the person to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land Regulation 17(3) and 17(5) - The local government may grant permissions to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property in accordance with conditions set out in regulations 17(5)(a) and(b)
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Director Development, Sustainability and Lifestyle Director Infrastructure and Town Services
Conditions/ Reporting Requirements	Nil

1.2 ADMINISTRATION

1.2.1 ACTING CHIEF EXECUTIVE OFFICER

Function to be performed	Senior Employee to act in the capacity of Chief Executive Officer during absences not exceeding three months in accordance with Part 5, Division 4 of the <i>Local Government Act 1995</i>
Legislative power or duty delegated	1. Section 5.39(1a)(a) - An employee may act in the position of a CEO
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Director Corporate and Performance Director Development, Sustainability and Lifestyle Director Infrastructure and Town Services
Conditions/ Reporting Requirements	1. Only senior permanent employee can be appointed as acting Chief Executive Officer and is in accordance with 3/007 'Senior Employees and Appointing Acting Chief Executive Officer' policy

1.2.2 COMPLAINTS OFFICER

Function to be performed	Senior employee to be the designated Complaints Officer under the <i>Local Government Act 1995</i>
Legislative power or duty delegated	1. Section 5.120(1) - Each local government is to designate a senior employee, as defined under section 5.37, to be its complaints officer
Designation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Designation to	Director Corporate and Performance Director Development, Sustainability and Lifestyle Director Infrastructure and Town Services
Chief Executive Officer designates to	Not applicable
Conditions/ Reporting Requirements	Persons employed and permanently appointed to the above senior employee positions are designated as the Town of Port Hedland Complaints Officer in the order listed. In the absence of the Director Corporate and Performance, the Director Development, Sustainability and Lifestyle will be the Complaints Officer and in the absence of the Director Development, Sustainability and Lifestyle the Director Infrastructure and Town Services will be the Complaints Officer

1.2.3 MAKING PAYMENTS TO EMPLOYEES IN ADDITION TO CONTRACT OR AWARD

Function to be performed	Making Payments to Employees in addition to Contract or Award in accordance with the severance payment policy pursuant to Part 5, Division 4 of the <i>Local Government Act 1995</i>
Legislative power or duty delegated	1. Section 5.50 - Making Payments to Employees in addition to Contract or Award
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Nil
Conditions/ Reporting Requirements	Nil

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1.3 FINANCIAL MANAGEMENT

1.3.1 FUNDING AND DONATION POLICY

Function to be performed	Approve and make payments in accordance with the 'Funding and Donations' policy and under Part 2 of the <i>Local Government (Financial Management) Regulations 1996</i>
Legislative power or duty delegated	1. Regulation 12(1)(a) – Payments from the municipal fund can be made in accordance with the 6/003 'Funding and Donations policy
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Nil
Conditions/ Reporting Requirements	Nil

1.3.2 PAYMENTS FROM THE MUNICIPAL AND TRUST FUND

Function to be performed	The power to make payments from the municipal fund bank accounts and the trust bank account under Part 2 of the <i>Local Government (Financial Management) Regulations 1996</i>
Legislative power or duty delegated	1. Regulation 12(1)(a) – Payments from municipal fund or trust fund
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Director Corporate and Performance Director Development, Sustainability and Lifestyle Director Infrastructure and Town Services Manager Human Resources Manager Facilities Manager Environmental Health and Community Safety Manager Financial Services Manager Governance Manager ICT Manager Marketing, Events and Communications
Conditions/ Reporting Requirements	1. The Municipal Fund is to be signed by two (2) and the Trust fund is to be signed by three (3) of the abovementioned officers

1.3.3 POWER TO INVEST

Function to be performed	The power to invest money held in the municipal fund or the trust fund that is not, for the time being, required by the local government for any other purpose under the <i>Local Government Act 1995</i>	
Legislative power or duty delegated	1. Section 6.14(1) – Power to invest money under the Trustees Act 1962 Part III	
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>	
Delegation to	Chief Executive Officer	
Chief Executive Officer delegates to	Signatory 1:	Signatory 2:
	Chief Executive Officer Director Corporate and Performance Director Development, Sustainability and Lifestyle Director Infrastructure and Town Services	Director Corporate and Performance Director Development, Sustainability and Lifestyle Director Infrastructure and Town Services Manager Environmental Health and Community Safety Manager Financial Services Manager Governance Manager ICT Manager Marketing, Events and Communications Manager Human Resources Manager Facilities
Conditions/ Reporting Requirements	1. Power to invest is done in accordance with Council Investments policy (2/010) 2. 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	

1.3.4 RECOVER A FEE OR CHARGE

Function to be performed	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>	
Legislative power or duty delegated	1. Section 6.16 – Imposition of fees and charges	
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>	
Delegation to	Chief Executive Officer	
Chief Executive Officer delegates to	Director Corporate and Performance Manager Financial Services	
Conditions/ Reporting Requirements	Nil	

1.3.5 WAIVER OF FEES AND CHARGES AND WRITE OFF OF DEBT

Function to be performed	The power to waive fees and charges (other than rates or service charges) as per the schedule of fees and charges and write off bad debt in accordance with Part 6, Division 4 of the <i>Local Government Act 1995</i> and subject to the conditions and reporting requirements below
Legislative power or duty delegated	1. Section 6.12(1)(b) &(c) – Waiver or grant concessions in relation to any amount of money or write off any amount of money
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Director Corporate and Performance (as per conditions 1, 3, 4, 5 and 6) Director Development, Sustainability and Lifestyle (as per conditions 1, 3, 5 and 6) Director Infrastructure and Town Services (as per conditions 1, 2, 5 and 6)
Conditions/ Reporting Requirements	<p>This delegation does not negate the need for community groups or individuals to apply for funding and donation through policy 6/003 'Funding and Donations'.</p> <ol style="list-style-type: none"> For an amount of up to 100% (ex GST) off facility hire fees and charges in accordance with 2/021 'Fee Waiver for Not-For-Profit and Community Groups' policy (applies per quote or invoice for approved applicants only) For an amount of up to \$2,000 (ex GST) for landfill fees in relation to Town of Port Hedland projects (per project) For an amount of up to \$200 (ex GST) for promotional purposes (i.e. giving away tickets) Write off debts (rates and others) with an invoice balance of \$500 or less For an amount of up to \$1,000 (ex GST) for individuals for fundraising or charitable purposes. For an amount of up to \$2,000 (ex GST) for Town of Port Hedland organised events. Any other amount at the CEO's discretion only

1.3.6 RATE BOOK

Function to be performed	The power to carry duties in relation to rates outlined under Part 6, Division 6 of the <i>Local Government Act 1995</i> – imposition of rates and service charges
Legislative power or duty delegated	<ol style="list-style-type: none"> 1. Section 6.39 - Rate record is compiled, at the time and in the form and manner prescribed, for that financial year 2. Section 6.40(1) & (2) - A rate and service charge can be reassessed from time to time to which notice of these changes must be given to the owner of the land 3. Section 6.41(1) - Provide the owner of rateable land a dated notice accompanied by the details and particulars described 4. Section 6.49 - Agreement as to payment of rates and service charges 5. Section 6.55(1) Recovery of rates and service charges 6. Section 6.56(1) Rates or service charges recoverable in court 7. Section 6.60(2), (3) & (4) - Local Government may require lessee to pay rent
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Director Corporate and Performance Manager Financial Services
Conditions/ Reporting Requirements	<ol style="list-style-type: none"> 1. Payments of rates and service charges to be done in accordance with Debt Management policy (2/005)

1.4 MISCELLANEOUS PROVISIONS

1.4.1 AUTHORITY TO COMMENCE PROSECUTIONS UNDER THE LOCAL GOVERNMENT ACT AND LOCAL LAWS

Function to be performed	The power to commence a prosecution for an offence against the <i>Local Government Act 1995</i> or under a Town of Port Hedland local laws pursuant to Part 4, Division 12.
Legislative power or duty delegated	<ol style="list-style-type: none"> Section 9.24 (1),(b) & (c) - Commence a prosecution for an offence against the <i>Local Government Act 1995</i> Section 9.24 (2),(a) & (b) - Commence a prosecution for an offence against the Town of Port Hedland local laws
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Director Corporate and Performance Director Development, Sustainability and Lifestyle Director Infrastructure and Town Services Legal Advisor
Conditions and Reporting Requirements	Nil

1.4.2 AUTHORISED PERSONS UNDER PART 9

Function to be performed	Authorised person pursuant to Part 9, Division 2 of the <i>Local Government Act 1995</i>
Legislative power or duty authorised	<ol style="list-style-type: none"> Section 9.11 - Persons found committing breach of Act to give name on demand Section 9.13 - Onus of proof in vehicle offences may be shifted Section 9.16 - Notice, giving of to alleged offender Section 9.17 – Notice, content of Section 9.19 - Extension of time Section 9.20 - Withdrawal of notice
Delegation from	Local Government, pursuant to Section 9.10 of the <i>Local Government Act 1995</i>
Authorisation to	Chief Executive Officer (4, 5 and 6) Director Development, Sustainability and Lifestyle Principal Town Planner (1, , and 3) Community Emergency Services Advisor Manager Environmental Health and Community Safety Senior Environmental Health Officer (1) Graduate Environmental Health Officer (1) Graduate Planner (1) Legal Advisor (3) Team Leader Ranger Ranger(s) Trainee Ranger(s)
Chief Executive Officer delegates to	N/A
Conditions/ Reporting Requirements	Nil

1.4.3 PERMISSION TO PLACE ON A SPECIFIED PART OF PUBLIC THOROUGHFARE

Function to be performed	Permission to place anything that obstructs a specified part of public thoroughfare pursuant to regulation 6 of the Local Government (<i>Uniform Local Provisions</i>) Regulation 1996
Legislative power or duty delegated	1. Regulation 6(4) - Permission to place a specified part of public thoroughfare one or more specified things that may obstruct the public thoroughfare
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Director Development, Sustainability and Lifestyle Director Infrastructure and Town Services
Conditions/ Reporting Requirements	Nil

1.4.4 EXECUTE DOCUMENTS AND CONTRACT FORMALITIES

Function to be performed	To sign documents on behalf of the local government subject to the condition below:
Legislative power or duty authorised	1. Section 9.49A(4) - To sign documents on behalf of the local government subject to the condition below 2. Section 9.49B(1) - To vary or discharge a contract in the name of or on behalf of the local government subject to conditions below
Authorisation from	Local Government, pursuant to section 9.49A of the <i>Local Government Act 1995</i>
Authorisation to	Chief Executive Officer Director of Development, Sustainability and Lifestyle Director of Infrastructure and Town Services Director of Corporate and Performance
Conditions/ Reporting Requirements	<ul style="list-style-type: none"> 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 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

1.4.5 REPRESENTING LOCAL GOVERNMENT IN COURT

Function to be performed	To represent the local government in court proceedings pursuant to section 9.29 of the <i>Local Government Act 1995</i>
Legislative power or duty authorised	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 under section 9.29 of the <i>Local Government Act 1995</i>
Authorisation from	Chief Executive Officer (this is not a Council power – see section 9.29(2))
Authorisation to	<p>Director Corporate and Performance</p> <p>Director Development Lifestyle and Sustainability</p> <p>Director Infrastructure and Town Services</p> <p>Manager Financial Services</p> <p>Manager Environmental Health and Community Safety</p> <p>Principal Town Planner</p> <p>Coordinator Emergency Services</p> <p>Legal Advisor</p> <p>Development Compliance Officer</p> <p>Team Leader Ranger</p> <p>Ranger</p>
Conditions and Reporting Requirements	Provided the proceedings relate to the officer's position description.

2. FOOD ACT 2008

2.1 REGISTRATION OF FOOD BUSINESS

Function to be performed	The powers and functions relating to food businesses under Part 9 of the <i>Food Act 2008</i>
Legislative power or duty delegated	<ol style="list-style-type: none"> Section 110 - To register a food business Section 112 - To vary the conditions of, or cancel, the registration of a food business
Delegation from	Local Government, pursuant to section 118(2) of the <i>Food Act 2008</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Director Development, Sustainability and Lifestyle Manager Environmental Health and Community Safety Senior Environmental Health Officer Environmental Health Officer Graduate Environmental Health Officer
Conditions/ Reporting Requirements	Nil

2.2 PROHIBITION NOTICES

Function to be performed	The powers and functions relating to prohibition notices under Part 9 of the <i>Food Act 2008</i>
Legislative power or duty delegated	<ol style="list-style-type: none"> Section 65 - To serve a prohibition order on a proprietor of the food business Section 66 - To give a certificate of clearance under Section 67(4) - To give written notification of the decision not to give a certificate of clearance Section 70(3) - To give written notification regarding compensation
Delegation from	Local Government, pursuant to section 118(2) of the <i>Food Act 2008</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Director Development, Sustainability and Lifestyle Manager Environmental Health and Community Safety
Conditions/ Reporting Requirements	Nil

2.3 AUTHORISED PERSONS

Function to be performed	To exercise the powers and functions of authorised persons under the <i>Food Act 2008</i> as described below
Legislative power or duty authorised	<ol style="list-style-type: none"> Section 38 - Exercise the powers of authorised officers Section 40 - Power of seizure Section 41 - To make an application for a warrant Section 125 - To institute proceedings
Authorisation from	Local Government, pursuant to section 122 of the <i>Food Act 2008</i>
Authorisation to	Chief Executive Officer (1, 2, 3, 4) Director Development, Sustainability and Lifestyle (1, 2, 3, 4) 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)
Conditions/ Reporting Requirements	Nil

2.4 DESIGNATED OFFICERS AND INFRINGEMENT NOTICES

Function to be performed	To exercise the powers and functions relating to infringement notice under section 126 of the <i>Food Act 2008</i>
Legislative power or duty authorised	<ol style="list-style-type: none"> Section 126(2) - To give an infringement notice Section 126(3) - To inform and received payment for modified penalties Section 126(6) - To extend the payment period for a modified penalty Section 126(7) - To withdraw an infringement notice
Designation from	Local Government, pursuant to section 126(13) of the <i>Food Act 2008</i>
Designation to	Chief Executive Officer (3,4) Director Development, Sustainability and Lifestyle (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)
Conditions/ Reporting Requirements	Nil

3. HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911 / PUBLIC HEALTH ACT 2016

3.1 HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911

Function to be performed	To exercise the powers and functions of a deputy under the <i>Health (Miscellaneous Provisions) Act 1911</i>
Legislative power or duty authorised	The powers and functions of the local government under the <i>Health (Miscellaneous Provisions) Act 1911</i>
Authorisation from	Local Government, pursuant to section 26 of the <i>Health (Miscellaneous Provisions) Act 1911</i>
Authorisation to	Chief Executive Officer Director Development, Sustainability and Lifestyle Manager Environmental Health and Community Safety Senior Environmental Health Officer Environmental Health Officer Graduate Environmental Health Officer
Conditions/ Reporting Requirements	Nil

3.2 PUBLIC HEALTH ACT

Function to be performed	To exercise the powers and functions of an 'enforcement authority' under the <i>Public Health Act 2016</i>
Legislative power or duty delegated	The powers and functions of an enforcement authority under the <i>Public Health Act 2016</i> and its subordinate legislation
Delegation from	Local Government, delegation to CEO pursuant to section 21(b)(i) and delegation to an authorised person pursuant to and 21(b)(ii) and 24(1) & (3) of the <i>Public Health Act 2016</i>
Delegation and authorisations	Chief Executive Officer Director Development, Sustainability and Lifestyle Manager Environmental Health and Community Safety Senior Environmental Health Officer Environmental Health Officer Graduate Environmental Health Officer
Conditions/ Reporting Requirements	Nil

4. CARAVAN AND CAMPING GROUNDS ACT 1995

4.1 GRANT OF LICENCE

Function to be performed	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>
Legislative power or duty delegated	<ol style="list-style-type: none"> Section 7 - To determine a licence for a facility Section 9 - To renew a licence for facility Section 10 - To give a licence holder a prohibition notice Section 12 - To cancel a licence
Delegation from	Local Government pursuant to section 5 of the <i>Caravan Parks and Camping Ground Act 1995</i>
Delegation to	Chief Executive Officer (1, 2, 3, 4) Director Development, Sustainability and Lifestyle (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)
Conditions/ Reporting Requirements	Nil

4.2 APPOINTMENT OF AUTHORISED PERSONS

Function to be performed	The following powers of entry and inspection under Part 3 of the <i>Caravan Parks and Camping Ground Act 1995</i>
Legislative power or duty authorised	<ol style="list-style-type: none"> Section 18 - Powers of entry Section 20 - Entry of an occupied caravan or camp Section 21 - Inspections and work specification notices
Authorisation from	Chief Executive Officer pursuant to section 17(1) of the <i>Caravan Parks and Camping Ground Act 1995</i> (not a Council power)
Authorisation to	Director Development, Sustainability and Lifestyle Manager Environmental Health and Community Safety Senior Environmental Health Officer Environmental Health Officer Graduate Environmental Health Officer Team Leader Rangers Rangers Trainee Rangers
Conditions/ Reporting Requirements	Nil

4.3 INFRINGEMENT NOTICES

Function to be performed	The following powers and functions regarding infringement notices under the <i>Caravan Parks and Camping Ground Act 1995</i>
Legislative power or duty authorised	<ol style="list-style-type: none"> 1. Section 23(2) - To give an infringement notice 2. Section 23(5) - To extend the period for payment of the modified penalty 3. Section 23(7) - To withdraw an infringement notice
Authorisation from	Local Government pursuant to section 23(11) of the <i>Caravan Parks and Camping Ground Act 1995</i>
Authorisation to	Chief Executive Officer (2,3) Director of Development, Lifestyle and Sustainability (2,3) Manager Environmental Health and Community Safety (1) Senior Environmental Health Officer (1) Environmental Health Officer (1) Graduate Environmental Health Officer (1) Senior Ranger (1) Ranger(s) (1) Trainee Ranger(s) (1)
Conditions/ Reporting Requirements	Nil

5. CAT ACT 2011

5.1 CAT REGISTRATIONS

Function to be performed	The powers and functions relating to the registration of a cat under Part 2 of the <i>Cat Act 2011</i>
Legislative power or duty delegated	<ol style="list-style-type: none"> Section 9 - To determine an application for the grant or renewal of the registration of a cat Section 10 - To cancel the registration of a cat Section 11 - To allot a registration number, give a certificate and tag Section 12 - To keep a register Section 13 - To give notice of decisions regarding registrations
Delegation from	Local Government pursuant to section 45 and 46 of the <i>Cat Act 2011</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Director Development, Sustainability and Lifestyle (1, 2, 3, 4, 5) Manager of Environmental Health (1, 2, 3, 4, 5) Team Leader Ranger (2, 5) Ranger(s) (2, 5) Trainee Ranger (2, 5) Senior Librarian (1, 3, 4) Libraries Supervisor (1, 3, 4) Library Officer (1, 3, 4) Customer Services Officer (1, 3, 4) Record Officer (1, 3, 4) Administration Officer Development, Sustainability and Lifestyle (1, 3, 4) Administration Officer, Infrastructure and Town Services (1, 3, 4) Administration Officer, Corporate and Performance (1, 3, 4)
Conditions/ Reporting Requirements	Nil

5.2 CAT CONTROL NOTICES

Function to be performed	The powers and functions relating to cat control notices under Part 3 of the <i>Cat Act 2011</i>
Legislative power or duty delegated	1. Section 26 - To give a cat control notice
Delegation from	Local Government pursuant to section 45 and 46 of the <i>Cat Act 2011</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Director Development, Sustainability and Lifestyle Manager of Environmental Health Team Leader Ranger Ranger Trainee Ranger
Conditions/ Reporting Requirements	Nil

5.3 APPROVAL TO BREED CATS

Function to be performed	The powers and functions relating to the approval to breed cats under Part 3 of the <i>Cat Act 2011</i>
Legislative power or duty delegated	1. Section 37 - To determine an application for grant or renewal of an approval to breed cats 2. Section 38 - To cancel an approval to breed cats 3. Section 39 - To give a certificate to an approved cat breeder 4. Section 40 - To give notice of a decision regarding an application to breed cats
Delegation from	Local Government pursuant to section 45 and 46 of the <i>Cat Act 2011</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Director Development, Sustainability and Lifestyle Manager of Environmental Health
Conditions/ Reporting Requirements	Nil

5.4 AUTHORISED PERSONS

Function to be performed	Powers and functions of authorised persons under the <i>Cat Act 2011</i>
Legislative power or duty authorised	<ol style="list-style-type: none"> 1. Section 27 - To seize a cat 2. Section 49 - To cause a cat to be destroyed 3. Section 50 - To require a person's details 4. Section 51 - To enter premises 5. Section 52 - To carry out the general powers of an authorised person 6. Section 57 - To apply for a warrant 7. Section 62 - To give an infringement notice 8. Section 65 - To extend time to pay a modified penalty 9. Section 63 - To withdraw an infringement notice 10. Section 73 - Commence a prosecution
Authorisation from	Local Government pursuant to section 48 of the <i>Cat Act 2011</i> .
Authorisation to	Chief Executive Officer (1, 2, 3, 4, 5, 6, 7, 8, 9, 10) Director Development, Sustainability and Lifestyle (1, 2, 3, 4, 5, 6, 7, 8, 9, 10) Manager of Environmental Health (1, 2, 3, 4, 5, 6, 7, 8) Team Leader Ranger (1, 2, 3, 4, 5, 6, 7) Ranger (1, 2, 3, 4, 5, 6, 7) Trainee Ranger (1, 2, 3, 4, 5, 6, 7)
Conditions/ Reporting Requirements	Nil

6. DOG ACT 1976

6.1 DOG REGISTRATIONS

Function to be performed	The powers and functions of registration officers under the <i>Dog Act 1976</i>
Legislative power or duty delegated	<ol style="list-style-type: none"> 1. Section 12A - To enter premises 2. Section 16 - To determine an application for dog registration 3. Section 16 - To cancel the registration of a dog 4. The power to delegate these powers or duties
Delegation from	Local Government pursuant to section 10AA of the Dog Act
Delegation to	Chief Executive Officer (1, 2, 3, 4)
Chief Executive Officer delegates to	Director Development, Sustainability and Lifestyle (1, 2, 3) Manager of Environmental Health (1, 2, 3) Team Leader Rangers (1, 2, 3) Ranger(s) (1, 2, 3) Trainee Ranger (1, 2, 3) Senior Librarian (2) Libraries Supervisor (2) Library Officer (2) Customer Services Officer (2) Record Officer (2) Administration Officer Development, Sustainability and Lifestyle (2) Administration Officer, Infrastructure and Town Services (2) Administration Officer, Corporate and Performance (2)
Conditions/ Reporting Requirements	Nil

6.2 ADDITIONAL NUMBER OF DOGS KEPT ON PREMISES

Function to be performed	The powers and functions with respect to applications under the <i>Dog Act 1976</i>
Legislative power or duty delegated	<ol style="list-style-type: none"> Section 26 - To issue an exemption Section 27 - To determine an application for an approved kennel establishment The power to delegate these powers or duties
Delegation from	Local Government pursuant to section 10AA of the Act
Delegation to	Chief Executive Officer (1, 2, 3)
Chief Executive Officer delegates to	Director Development, Sustainability and Lifestyle (1, 2) Manager of Environmental Health (1, 2)
Conditions/ Reporting Requirements	Nil

6.3 AUTHORISED PERSONS

Function to be performed	Powers and functions of authorised persons under the <i>Dog Act 1976 and Dog Regulations 2013</i>
Legislative power or duty authorised	<ol style="list-style-type: none"> Section 29 - To seize dogs Section 33E - To declare a dog to be dangerous Section 33G - To seize and destroy dogs Section 38 - Issue an order regarding a nuisance dog Section 39 - Apply for an order that a dog be destroyed Section 43A - Request personal details Section 44 - Commence enforcement proceedings Section 47 - Veterinary services Regulation 35 - To issue an infringement notice Regulation 37 - To withdraw infringement notices
Authorisation from	Local Government pursuant to section 29(1) of the Act.
Authorisation to	Chief Executive Officer (1, 2, 3, 4, 5, 6, 7, 8, 10) Director Development, Sustainability and Lifestyle (1,3,4,6, 8,10) Manager of Environmental Health (1,3,4, 6, 8, 9) Team Leader Ranger (1, 3, 4, 6, 8, 9) Ranger (1, 3, 4, 6, 8, 9) Trainee Ranger (1, 3, 4, 6, 8, 9)
Conditions/ Reporting Requirements	Nil

7. EMERGENCY MANAGEMENT ACT 2005

7.1 POWER OF LOCAL GOVERNMENT TO DESTROY DANGEROUS VEGETATION OR PREMISES IN CYCLONE AREA

Function to be performed	Powers and functions of local government during a cyclone under Part 3 Division 3 of the <i>Emergency Management Act 2005</i>
Legislative power or duty authorised	1. Section 46 - To destroy dangerous vegetation or premises in a cyclone area 2. Section 47 - To require an owner or occupier of land to take action 3. Section 48 - The additional powers when a direction is given
Authorisation from	Local Government pursuant to section 45 of the Act
Authorisation to	Chief Executive Officer Director Development, Sustainability and Lifestyle Manager of Environmental Health Team Leader Ranger Ranger Trainee Ranger Community Emergency Services Advisor
Conditions/ Reporting Requirements	Nil

8. BUSH FIRES ACT 1954

8.1 BUSH FIRE OFFICER

Function to be performed	Appointing a bush fire officer to carry out the powers and functions in the <i>Bush Fires Act 1954</i>
Legislative power or duty appointed	1. To appoint such persons under section 38 of the Act to be bush fire control officers to undertake powers and duties under that Act
Appointment from	Chief Executive Officer, pursuant to section 38 of the Act (this is not a Council power to appoint)
Appointment to	Community Emergency Services Advisor (Chief) Team Leader Rangers (Deputy Chief) Rangers Trainee Rangers Chief Bush Fire Control Officer at Shire of Ashburton Chief Bush Fire Control Officer at Shire of East Pilbara HSES Manager, Hedland Operations (FMG)
Conditions/ Reporting Requirements	Nil

8.2 DELEGATIONS

Function to be performed	To carry out the powers and functions of a 'local government' under the <i>Bush Fires Act 1954</i>
Delegated power or duty	1. To carry out the powers and functions of a 'local government' under the Act, except section 33(5a)
Delegation from	Local Government pursuant to section 48 of the Act
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	None (the CEO cannot sub delegate these powers pursuant to section 48(3))
Conditions/ Reporting Requirements	Nil

8.3 ENFORCEMENT

Function to be performed	To carry out prosecutions or give infringement notices under the <i>Bush Fires Act 1954</i>
Legislative power or duty authorised	1. Section 59(3) - To institute and carry out prosecutions 2. Section 59A (2) - To issue infringement notices 3. Section 59A (5) - To withdraw infringement notices
Authorisation from	Local Government pursuant to section 59(3) of the Act
Authorisation to	Chief Executive Officer (1, 2, 3) (only the CEO can withdraw an infringement notice, see regulation 4(a) of the <i>Bush Fires (Infringements) Regulations 1978</i>) Director Development, Sustainability and Lifestyle (1, 2) Manager of Environmental Health (2) Team Leader Ranger (2) Ranger (2) Trainee Ranger (2) Community Emergency Services Advisor (2)
Conditions/ Reporting Requirements	Nil

9. CONTROL OF VEHICLES (OFF ROAD AREAS) ACT 1978

9.1 AUTHORISED OFFICERS

Function to be performed	The functions and powers of authorised officers under the <i>Control of Vehicles (Off Road Areas) Act 1978</i>
Delegated power or duty authorised	<ol style="list-style-type: none"> Section 37(1) - To issue infringement notices Section 37(5) - To withdraw and infringement notice Section 38 - The powers and functions Section 40 - Institute a prosecution
Authorisation from	Local Government pursuant to section 38(3)(a) of the Act
Authorisation to	Chief Executive Officer (2, 3, 4) Director Development, Sustainability and Lifestyle (2, 3, 4) Manager of Environmental Health (1, 3) Team Leader Ranger (1, 3) Ranger (1, 3) Trainee Ranger (1, 3)
Conditions/ Reporting Requirements	Nil

10. LIQUOR CONTROL ACT 1998

Function to be performed	The power to issue certificates under the <i>Liquor Control Act 1998</i>
Delegated power or duty authorised	<ol style="list-style-type: none"> Section 39 - The power to issue a certificate of local government as to whether premises comply with laws Section 40 - The power to issue a certificate of planning authority as to whether use of premises complies with planning laws
Delegation from	Local Government pursuant to sections 39 and 40 of the Act
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Director Development, Sustainability and Lifestyle (1 and 2) Manager Environmental Health (1) Senior Environmental Health Officer (1) Environmental Health Officer (1) Graduate Environmental Health Officer (1) Principal Town Planner (2)
Conditions/ Reporting Requirements	Nil

11. FINES, PENALTIES AND INFRINGEMENT NOTICES ENFORCEMENT ACT 1994

Function to be performed	The powers and functions of designated officers under <i>the Fines, Penalties and Infringement Enforcement Act 1994</i>
Designated power or duty authorised	1. Section 16 - To register an infringement notice: enforcement certificate 2. Section 22 - To withdraw proceedings
Designation from	Local Government pursuant to sections 13(2) of the Act
Designation to	Chief Executive Officer Director Development, Sustainability and Lifestyle (1 and 2) Manager Environmental Health (1) Principal Planner (1) Development Compliance Officer (1) Team Leader Ranger (1) Ranger(s) (1) Trainee Ranger (1)
Conditions/ Reporting Requirements	Nil

12. LITTER ACT 1979

12.1 AUTHORISED OFFICERS

Function to be performed	The powers and functions of authorised officers under the <i>Litter Act 1979</i>
Authorised power or duty	1. Section 30(1) - To issue infringement notices 2. Section 30(4) and (4a) - To withdraw and infringement notice 3. Section 27 - The powers and functions of authorised officers 4. Section 27A - Institute a prosecution
Authorisation from	Local Government pursuant to section 26(1)(c)(ii) of the Act
Authorisation to	Chief Executive Officer (2, 3, 4) Director Development, Sustainability and Lifestyle (2, 3, 4) Manager of Environmental Health (2, 3) Team Leader Ranger (1, 3) Ranger (1, 3) Trainee Ranger (1, 3)
Conditions/ Reporting Requirements	Nil

13. OTHER LEGISLATION (DELEGATED BY OTHER PUBLIC BODIES)

13.1 APPOINTMENT OF AUTHORISED PERSONS UNDER THE ENVIRONMENTAL PROTECTION ACT 1986 AND ENVIRONMENTAL PROTECTION (NOISE) REGULATIONS 1997

Function to be performed	The functions and powers under regulation 13 of the <i>Environmental Protection (Noise) Regulations 1997</i>
Legislative power or duty authorised	1. Regulation 13 - The functions and powers in relation to noise management plans
Delegation from	The CEO of the Department delegated the above power to any person of a local government who is appointed as an authorised person under section 87 of the Act (see Government Gazette, Delegation No.111 on 20 December 2013)
Authorisation to	Chief Executive Officer Director Development, Sustainability and Lifestyle Manager of Environmental Health and Community Safety Senior Environmental Health officer Environmental Health Officer Graduate Environmental Health Officer
Conditions/ Reporting Requirements	Nil

13.2 GRANTING OF A CERTIFICATE UNDER THE STRATA TITLES ACT (FORM 26)

Function to be performed	The functions and powers under section 25 of the <i>Strata Titles Act 1985</i> subject to the below conditions
Legislative power or duty authorised	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
Delegation from	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)
Delegation to	Chief Executive Officer Director Development, Sustainability and Lifestyle Principal Town Planner
Conditions/ Reporting Requirements	<p>The delegation excludes applications that (as per Delegation 2009/03):</p> <ul style="list-style-type: none"> propose a vacant lot; propose vacant air stratas in multi-tiered strata scheme developments; 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. 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

13.3 DEVELOPMENT APPLICATIONS MADE UNDER THE AUSPICES OF THE PLANNING AND DEVELOPMENT ACT 2005

Function to be performed	The power to sign as owner in respect of Crown Land
Legislative power or duty authorised	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
Delegation from	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)
Delegation to	Chief Executive Officer
Conditions/ Reporting Requirements	<ul style="list-style-type: none"> The powers in Column 1 subject to the conditions in Column 3 of the Schedule to Government Gazette dated 2 June 2016

14. BUILDING ACT 2011

14.1 BUILDING AND DEMOLITION PERMITS

Function to be performed	The powers and functions in Part 2, Division 3 of the <i>Building Act 2011</i> relating to the grant of building and demolition permits
Legislative power or duty delegated	<ol style="list-style-type: none"> 1. Sections 18(1) and (2) - Requiring further information 2. Section 20 - Grant of a building permit 3. Section 21 - Grant of a demolition permit 4. Section 22 - Further grounds for not granting an application 5. Section 23(6) - Deciding whether or not to grant a permit out of time 6. Section 24 - Notice of decision not to grant a building or demolition permit 7. Section 27 - To impose, vary, add or revoke conditions on building and demolition permits
Delegation from	Local Government, pursuant to section 127 of the <i>Building Act 2011</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Director Development, Sustainability and Lifestyle Principal Town Planner
Conditions/ Reporting Requirements	Nil

14.2 OCCUPANCY PERMITS AND BUILDING APPROVAL CERTIFICATE

Function to be performed	The powers and functions under Part 3, Division 4 of the <i>Building Act 2011</i> relating to the grant of occupancy permits and building approval certificates
Legislative power or duty delegated	<ol style="list-style-type: none"> 1. Section 55 - Requiring further information 2. Section 58 - Grant of occupancy permit, building approval certificate 3. Section 60 - Notice of decision not to grant occupancy permit or building approval certificate 4. Section 62 - Imposing conditions on an occupancy permit or building approval certificate 5. Section 65(4) - Extending the period of an occupancy permit or building approval certificate
Delegation from	Local Government, pursuant to section 127 of the <i>Building Act 2011</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Director Development, Sustainability and Lifestyle Principal Town Planner
Conditions/ Reporting Requirements	Nil

14.3 BUILDING ORDERS

Function to be performed	The powers and functions under Part 8, Division 5 of the <i>Building Act 2011</i> regarding making building orders
Legislative power or duty delegated	<ol style="list-style-type: none"> 1. Section 110(1) - To make a building order 2. Section 111(1) - To provide a proposed building order 3. Sections 117(1) & (2) - To revoke a building order 4. Section 118(2)(a)-(c) - To give effect to a building order if non-compliance, namely the power to cause an authorised person to carry out the functions
Delegation from	Local Government, pursuant to section 127 of the <i>Building Act 2011</i>
Delegation to	Chief Executive Officer (1, 2, 3, 4)
Chief Executive Officer delegates to	Director Development, Sustainability and Lifestyle (1, 2, 3, 4) Principal Town Planner (1, 2) Legal Advisor (1, 2)
Conditions/ Reporting Requirements	Nil

14.4 APPROVE USE OF BATTERY POWERED SMOKE ALARMS

Function to be performed	Approve the use, in a dwelling or part of the dwelling, a battery powered smoke alarm under regulation 61 of the <i>Building Regulations 2012</i>
Legislative power or duty delegated	1. Regulation 61(1) - Local government approval of battery powered smoke alarms
Delegation from	Local Government, pursuant to section 127 of the <i>Building Act 2011</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Director Development, Sustainability and Lifestyle Principal Town Planner
Conditions/ Reporting Requirements	Nil

14.5 POWERS OF AUTHORISED PERSONS

Function to be performed	The powers and functions of authorised persons pursuant to Part 8, Division 3 of the <i>Building Act 2011</i> for the purpose of enforcement
Legislative power or duty authorised	The following powers of authorised persons under the Act: <ol style="list-style-type: none"> 1. Section 100 - Entry powers 2. Section 101 - Powers after entry and compliance purposes 3. Section 102 - Obtaining information and documents 4. Section 103 - Use of force and assistance 5. Section 106 - Entry warrant to enter a place 6. Section 109 - Execution of warrant 7. Section 118 - To carry out the functions to give effect to a building order 8. Section 133 - Prosecutions
Authorisation from	Local Government, pursuant to section 96(3) of the Act to designate authorised persons for the purpose of that Act
Authorisation to	Chief Executive Officer (1, 2, 3, 4, 5, 6, 7, 8) Director Development, Sustainability and Lifestyle (1, 2, 3, 4, 5, 6, 7, 8) Principal Town Planner (1, 2, 3, 4, 5, 6, 7) Legal Advisor (1, 2, 3, 4, 5, 6, 7) Development and Lands Officer (1, 2, 3, 4, 5, 6, 7) Graduate Planner (1, 2, 3, 4, 5, 6, 7)
Conditions/ Reporting Requirements	Nil

14.6 INFRINGEMENT NOTICES

Function to be performed	The powers and functions relating to issuing infringement notice under the <i>Building Regulations 2012</i>
Legislative power or duty authorised	<ol style="list-style-type: none"> 1. Regulation 70(1) - Authorised officer to give an infringement notice 2. Regulation 70(2) - Approved officer to extend time to pay an infringement notice (modified penalty) or withdraw a notice
Authorisation from	Local Government, pursuant to regulation 70(1) and (2) of the Regulations, sections 9.10(1), 9.16, 9.19, 9.20 of the <i>Local Government Act 1995</i> and sections 6(a) & (b) of the <i>Criminal Procedure Act 2004</i>
Authorisation to	Chief Executive Officer (2) Director of Development, Sustainability and Lifestyle (2) Principal Town Planner (1) Development and Lands Officer (1) Development Compliance Officer (1) Administration Officer Development, Sustainability and Lifestyle
Conditions/ Reporting Requirements	Nil

14.7 APPOINT AUTHORISED PERSONS (SWIMMING POOL INSPECTORS)

Function to be performed	To inspect the barrier of private swimming pools every 4 years to ensure compliance with the <i>Building Regulations 2012</i>
Legislative power or duty authorised	1. Regulation 53(1) - Inspection of barrier to private swimming pool
Authorisation from	Local Government, pursuant to section 96(3) of the <i>Building Act 2011</i> to designate authorised persons for the purpose of that Act
Authorisation to	Chief Executive Officer Director Development, Sustainability and Lifestyle Principal Town Planner Development and Lands Officer Development Compliance Officer Administration Officer Development, Sustainability and Lifestyle
Conditions/ Reporting Requirements	Nil

15. PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015

15.1 DEVELOPMENT APPLICATIONS

Function to be performed	The power and functions to determine development applications under Part 9 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations</i> subject to the below conditions being satisfied
Legislative power or duty delegated	<ol style="list-style-type: none"> Regulation 68 - To determine development applications and impose conditions Regulation 77 - To determine whether to amend or cancel development applications and impose conditions
Delegation from	Local Government, from regulation 82 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Director Development, Sustainability and Lifestyle Principal Town Planner
Conditions/ Reporting Requirements	<p>The delegated power under 1 and 2 (regulations 68 and 77) is conditional upon each of the following:</p> <ul style="list-style-type: none"> The use in the development application is listed in the zoning table in the local planning scheme; Either: no third-party objections have been received (whether the application has been advertised or not); or third party objections have been received but cannot be substantiated on planning grounds. Is not a development application for a transient workers accommodation within 20km of the town site boundary that proposes 16 or more beds; and Has a development value of less than \$7,000,000.

15.2 STRUCTURE PLANS AND LOCAL DEVELOPMENT PLANS

Function to be performed	The powers and functions in respect of Structure Plans and Local Development Plans under Parts 4, 5 and 6 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations</i>
Legislative power or duty delegated	<ol style="list-style-type: none"> 1. Regulation 17(1) - To determine if a proposed structure plan complies with regulation 16(1) or if further information is required 2. Regulation 18(1) - To determine whether to advertise a proposed structure plan and seek comment from any public authority or utility provider 3. Regulation 19(1) - To consider any submissions made in respect of a proposed structure plan 4. Regulation 20(1) - To prepare a report on the proposed structure plan and provide it to the Commission 5. Regulation 29(3) - To determine if amendment to a Structure Plan requires advertising 6. Regulation 48(1) - 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 49(1) 7. Regulation 50 - To determine whether to advertise a proposed local development plan and seek comment from any public authority or utility service provider 8. Regulation 51 - To consider any submission made in respect of a proposed local development plan 9. Regulation 52 - To determine a local development plan for approval, approval subject to modification or refusal 10. Regulation 53 - To approve a local development plan that provides for further details 11. Regulation 59(1) - To amend a local development plan 12. Regulation 59(4) - To determine whether to advertise an amendment of a local development plan
Delegation from	Local Government, from regulation 82 of Schedule 2 of the Regulations
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Director Development, Sustainability and Lifestyle Principal Town Planner
Conditions/ Reporting Requirements	Nil

16. PLANNING AND DEVELOPMENT ACT 2005

16.1 SUBDIVISION

Function to be performed	Provide correspondence regarding the powers and functions described below in the <i>Planning and Development Act 2005</i>
Legislative power or duty delegated	1. Section 142 - To make recommendations and objections with respect to a subdivision plan
Delegation from	Local Government, from regulation 82 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Director Development, Sustainability and Lifestyle Principal Town Planner
Conditions/ Reporting Requirements	Nil

16.2 ENFORCEMENT POWERS

Function to be performed	The enforcement powers and functions described below in the <i>Planning and Development Act 2005</i>
Legislative power or duty delegated	1. Section 214(2)(3) or (5) - Give a written direction 2. Section 216(1) - Apply for an injunction 3. Section 218 - Commence a prosecution
Delegation from	Local Government, from clauses 79 and 82 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
Delegation to	Chief Executive Officer (1, 2, 3)
Chief Executive Officer delegates to	Director Development, Sustainability and Lifestyle (1, 2, 3) Principal Town Planner (1) Legal Advisor (1)
Conditions/ Reporting Requirements	Nil

16.3 REPORTS TO THE DEVELOPMENT ASSESSMENT PANEL

Function to be performed	The power to provide the presiding member of a DAP a report on the development application under the <i>Planning and Development (Development Assessment) Panels Regulation 2011</i>
Legislative power or duty delegated	1. Regulation 12 - Provide the presiding member of a DAP a report on the development application
Delegation from	Local Government, from regulation 82 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Director Development, Sustainability and Lifestyle Principal Town Planner
Conditions/ Reporting Requirements	Nil

16.4 AUTHORISED PERSON – INFRINGEMENT NOTICES AND ENFORCEMENT POWERS

Function to be performed	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
Legislative power or duty authorised	<ol style="list-style-type: none"> 1. Section 228(1) - To give an infringement notice for a prescribed planning offence 2. Section 230 - To extend time to pay the modified penalty 3. Section 231 - To withdraw an infringement notice 4. To carry out the entry and inspection powers in clause 79 of Schedule 2
Authorisation from	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)
Authorisation to	<p>Director Development, Sustainability and Lifestyle (2, 3, 4)</p> <p>Principal Town Planner (1, 4)</p> <p>Development and Lands Officer (1, 4)</p> <p>Development Compliance Officer (1, 4)</p>
Conditions/ Reporting Requirements	Nil

17. TOWN OF PORT HEDLAND PARKING LOCAL LAW 2015

17.1 PAYMENT OF FEE TO PARK IN PARKING STATION

Function to be performed	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.
Legislative power or duty delegated	1. Clause 5.3(a) – Payment of fee to park in parking station
Delegation from	Local Government, pursuant to Section 9.10 (1) of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Airport Staff (only for with respect to the Airport Land as defined in the Public Places and Local Government Property Local Law 2016) Team Leader Ranger Ranger(s) Trainee Ranger(s)
Conditions/ Reporting Requirements	Nil

17.2 RESTRICTED PARKING AREAS

Function to be performed	Restrictions on parking in particular areas pursuant to the Town's Parking Local Law 2015
Legislative power or duty delegated	1. Clause 6.1(3) – 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"
Delegation from	Local Government, pursuant to Section 9.10 (1) of the <i>Local Government Act 1995</i>
Authorisation to	Chief Executive Officer Director Development, Sustainability and Lifestyle Manager Environmental Health and Community Safety
Chief Executive Officer delegates to	Not applicable
Conditions/ Reporting Requirements	Nil

17.3 VEHICLE ON THOROUGHFARE TO BE MOVED

Function to be performed	Authorised person may order vehicle on thoroughfare to be removed pursuant to the Town's Parking Local Law 2015
Legislative power or duty delegated	1. Clause 6.9(1) and (2) – (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. (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.
Authorisation from	Local Government, pursuant to Section 9.10 (1) of the <i>Local Government Act 1995</i>
Authorisation to	Chief Executive Officer Director Development, Sustainability and Lifestyle Manager Environmental Health and Community Safety Team Leader Ranger Ranger(s) Trainee Ranger(s)
Chief Executive Officer delegates to	Not applicable
Conditions/ Reporting Requirements	Nil

17.4 AUTHORISED PERSON MAY MARK TYRES

Function to be performed	Authorised person may mark tyres pursuant to the Town's Parking Local Law 2015
Legislative power or duty delegated	1. Clause 6.10(1) – Authorised person may mark tyres
Authorisation from	Local Government, pursuant to Section 9.10 (1) of the <i>Local Government Act 1995</i>
Authorisation to	Chief Executive Officer Manager Environmental Health and Community Safety Team Leader Ranger Ranger(s) Trainee Ranger(s) Airport staff (only for with respect to the Airport Land as defined in the Public Places and Local Government Property Local Law 2016)
Chief Executive Officer delegates to	Not applicable
Conditions/ Reporting Requirements	Nil

17.5 DRIVING OR PARKING ON RESERVES

Function to be performed	Driving or parking on reserves pursuant to the Town's Parking Local Laws 2015
Legislative power or duty delegated	1. Clause 6.14 – 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
Authorisation from	Local Government, pursuant to Section 9.10 (1) of the <i>Local Government Act 1995</i>
Authorisation to	Chief Executive Officer Manager Environmental Health and Community Safety Team Leader Ranger Ranger(s) Trainee Ranger(s)
Chief Executive Officer delegates to	Not applicable
Conditions/ Reporting Requirements	Nil

17.6 SUSPENSION OF PARKING LIMITATIONS FOR URGENT, ESSENTIAL OR OFFICIAL DUTIES

Function to be performed	Suspension of parking limitations for urgent, essential or official duties pursuant to the Towns Parking Local Law 2015
Legislative power or duty delegated	1. Clause 6.15(1),(2) – Suspension of parking limitations for urgent, essential or official duties
Authorisation from	Local Government, pursuant to Section 9.10 (1) of the <i>Local Government Act 1995</i>
Authorisation to	Chief Executive Officer Director Development, Sustainability and Lifestyle Manager Environmental Health and Community Safety
Chief Executive Officer delegates to	Not applicable
Conditions/ Reporting Requirements	Nil

17.7 INFRINGEMENTS FOR PRESCRIBED OFFENCES AS PER SCHEDULE 2

Function to be performed	An authorised person may issue an infringement for any prescribed offences as per Schedule 2 of the Towns Parking Local Law 2015
Legislative power or duty delegated	1. Schedule 2 – An authorised person may issue an infringement for any prescribed offences as per Schedule 2
Authorisation from	Local Government, pursuant to Section 9.10 (1) of the <i>Local Government Act 1995</i>
Authorisation to	Chief Executive Officer Director Development, Sustainability and Lifestyle Manager Environmental Health and Community Safety Team Leader Ranger Ranger(s) Trainee Ranger(s) Authorised airport staff (only for with respect to the Airport Land as defined in the Public Places and Local Government Property Local Law 2016)
Chief Executive Officer delegates to	Not applicable
Conditions/ Reporting Requirements	Nil

18. TOWN OF PORT HEDLAND BUSH FIRE BRIGADES LOCAL LAW 2017

18.1 DETERMINING SENIORITY

Function to be performed	Determining 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
Legislative power or duty delegated	1. 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
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Not applicable
Conditions/ Reporting Requirements	Nil

18.2 DISAGREEMENTS

Function to be performed	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
Legislative power or duty delegated	1. Section 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)
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Not applicable
Conditions/ Reporting Requirements	Nil

19. TOWN OF PORT HEDLAND PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY LOCAL LAW 2016

19.1 DETERMINATIONS

Function to be performed	Determinations in respect of Local Government property under the Town of Port Hedland Public Places and Local Government Property Local Law 2016
Legislative power or duty delegated	<ol style="list-style-type: none"> 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
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Nil
Conditions/ Reporting Requirements	Nil

19.2 USE OF LOCAL GOVERNMENT PROPERTY

Function to be performed	Use of local government property under the Town of Port Hedland Public Places and Local Government Property Local Law 2016
Legislative power or duty delegated	<ol style="list-style-type: none"> Clause 4.6(1) – erect a sign specifying condition of use Clause 4.10 – give notice for liability of damage to government property
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Nil
Conditions/ Reporting Requirements	Nil

19.3 AUTHORISED OFFICERS

Function to be performed	Use of local government property under the Town of Port Hedland Public Places and Local Government Property Local Law 2016
Legislative power or duty delegated	<ol style="list-style-type: none"> 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
Authorisation from	Local Government, pursuant to Section 9.10 of the <i>Local Government Act 1995</i>
Authorisation to	Chief Executive Officer Director Corporate and Performance (1, 2) Director Development, Sustainability and Lifestyle (1, 2) Director Infrastructure and Town Services (1, 2) Manager Environmental Health and Community Safety (1, 2) Senior Environmental Health Officer (1, 2) Graduate Environmental Health Officer (1, 2) Manager Facilities (2) Senior Events Officer (2) Team Leader Ranger (1,2) Ranger(s) (1, 2) Trainee Ranger(s) (1, 2)
Chief Executive Officer delegates to	Not applicable
Conditions/ Reporting Requirements	Nil

19.4 THOROUGHFARES – GENERAL

Function to be performed	Activities in thoroughfares under the Town of Port Hedland Public Places and Local Government Property Local Law 2016
Legislative power or duty delegated	<ol style="list-style-type: none"> 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
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Director Development, Sustainability and Lifestyle (3, 4) Director Infrastructure and Town Services (3, 4) Manager Depot Operations (3, 4) Manager Environmental Health and Community Safety (2, 3, 4) Senior Environmental Health Officer Graduate Environmental Health Officer Team Leader Ranger Ranger(s) Trainee Ranger(s)
Conditions/ Reporting Requirements	Nil

19.5 GRANT LICENCE FOR COMMERCIAL ACTIVITY

Function to be performed	Grant Licence for Commercial Activity under the Town of Port Hedland Public Places and Local Government Property Local Law 2016
Legislative power or duty delegated	<ol style="list-style-type: none"> 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 Clause 12.12 - Grant a licence subject to any condition that the local government considers appropriate Clause 12.19 – renewals of licence Clause 12.20 - restrictions on renewal of licence Clause 12.21 - renewal of licence Clause 12.22 – Suspension of licence Clause 12.24 – Revocation of suspension Clause 12.25 – cancellation of licence Clause 12.28 – amendment of licence
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Director Development, Sustainability and Lifestyle (1, 2, 3, 4, 5, 6, 7, 8, 9) Manager Environmental Health and Community Safety (1, 2, 3, 4, 5, 6, 7, 9) Senior Environmental Health Officer (1, 2, 3, 4, 5, 6, 7, 9) Graduate Environmental Health Officer (1, 2, 3, 4, 5, 6, 7, 9)
Conditions/ Reporting Requirements	Nil

19.6 PRESCRIBED OFFENCES – SCHEDULE 7

Function to be performed	Infringements for prescribed offences as per schedule 7 – Prescribed Offences
Legislative 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
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Director Development, Sustainability and Lifestyle (5) Manager Environmental Health and Community Safety Senior Environmental Health Officer (1, 3, 4, 5) Graduate Environmental Health Officer (1, 3, 4, 5) Team Leader Ranger (1, 2, 3, 5) Ranger(s) (1, 2, 3, 5) Trainee Ranger(s) (1, 2, 3, 5)
Conditions/ Reporting Requirements	Nil

20. TOWN OF PORT HEDLAND CEMETERY LOCAL LAW 2015

20.1 GENERAL POWERS

Function to be performed	Various Local Government Powers under the Town of Port Hedland Cemetery Local Law 2015
Legislative power or duty delegated	<ol style="list-style-type: none"> 1. Clause 2.2 – Grant of right of burial 2. Clause 2.3 – Right of holder 3. Clause 3.4 – Minimum Notice required 4. Clause 4.2 – Funeral director's licence 5. Clause 4.4 – Application may be refused 6. Clause 5.2 – Funeral processions 7. Clause 5.5 – conduct of funeral by board 8. Clause 5.6 – Disposal of ashes 9. Clause 6.4 – opening of coffin 10. Clause 7.5 – Removal of sand, soil or loam 11. Clause 7.6 – Hours of work 12. Clause 7.8 – Use of wood 13. Clause 7.11 – Minor maintenance and repair works 14. Clause 7.14 – Requirements of a memorial plaque 15. Clause 7.15 – Monumental mason's licence 16. Clause 7.17 – Carrying out monumental work 17. Clause 7.19 – Cancellation of a monumental mason's licence 18. Clause 8.2 – Damaging and removing of objects 19. Clause 8.3 – Flowers
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Director Corporate and Performance (1, 2, 3, 6, 15, 16, 17) Manager Depot Operations (10, 11, 12, 19) Manager Technology (1, 2, 3, 6, 15, 16, 17) Senior Records Officer (1, 2, 3, 6, 15, 16, 17)
Conditions/ Reporting Requirements	Nil

20.2 AUTHORISED OFFICERS

Function to be performed	Powers of an authorised officer under the Town's Cemetery Local Law 2015.
Legislative power or duty Authorised	<ol style="list-style-type: none"> 1. Clause 5.4 – Offenders may be ordered to leave 2. Clause 6.1 – Depth of grave 3. Clause 7.4 – Operation of work 4. Clause 7.7 – Unfinished work 5. Clause 7.10 – Supervision 6. Clause 8.7 – Removal from the cemetery
Authorisation from	Local Government, pursuant to Section 9.10 of the <i>Local Government Act 1995</i>
Authorisation to	Chief Executive Officer Manager Depot Operations (2, 3, 4)
Chief Executive Officer delegates to	Not applicable
Conditions/ Reporting Requirements	Nil

20.3 PRESCRIBED OFFENCES

Function to be performed	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
Legislative power or duty authorised	<ol style="list-style-type: none"> 1. Schedule 1 – Prescribed offences 2. Schedule 3 – Withdrawal of infringement notice
Authorisation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Authorisation to	Chief Executive Officer Team Leader Ranger (1) Ranger(s) (1) Trainee Ranger(s) (1)
Chief Executive Officer delegates to	Not applicable
Conditions/ Reporting Requirements	Nil

21. TOWN OF PORT HEDLAND LOCAL LAW (DOGS)

21.1 VARIOUS POWERS

Function to be performed	Various Local Government Powers under the Town of Port Local Law (DOGS)
Legislative power or duty delegated	<ol style="list-style-type: none"> 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
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Senior Environmental Health Officer (1, 2) Team Leader Ranger (1, 2) Ranger(s) (1, 2) Trainee Ranger(s) (1, 2)
Conditions/ Reporting Requirements	Nil

21.2 AUTHORISED OFFICERS

Function to be performed	Powers of an authorised officer under the Town of Port Local Law (DOGS)
Legislative power or duty authorised	Town of Port Hedland Cemetery Local Law 2015: <ol style="list-style-type: none"> 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
Authorisation from	Local Government, pursuant to Section 9.10 of the <i>Local Government Act 1995</i>
Authorisation to	Chief Executive Officer Team Leader Ranger Ranger(s) Trainee Ranger(s)
Chief Executive Officer delegates to	Not applicable
Conditions/ Reporting Requirements	Nil

22. TOWN OF PORT HEDLAND HEALTH LOCAL LAW 2016

22.1 VARIOUS POWERS

Function to be performed	Various Local Government Powers under the Town's Health Local Law 2016
Legislative power or duty delegated	<ol style="list-style-type: none"> 1. Clause 3.13 – Licensing of morgues 2. Clause 4.3(2)(b) – Disposal of liquid waste 3. Clause 6.5 - Local Government may execute work and recover costs under Division 1 – flies (Pest Control) 4. Clause 6.8 - Local Government may execute work and recover costs under Division 2 – Mosquitoes (Pest Control) 5. Clause 7.1(1) – Notice to clean, disinfect or disinfest 6. Clause 7.3(2) – Notice to destroy or amend an insanitary house 7. Clause 7.4 – Persons in contact with an infectious disease sufferer 8. Clause 7.8 - Local Government may execute work and recover costs under Division 1 – General provisions (Infectious diseases) 9. Clause 8.4 – Lodging house application 10. Clause 8.5 – Renewal of registration – lodging house 11. Clause 8.7(1) and (4) – Revocation of registration and notice thereof 12. Clause 8.18 – Approval of mechanical ventilation in lieu of fixed ventilation 13. Clause 8.24 – Keeper report 14. Clause 9.5 – Certificate of registration 15. Clause 9.7 – Alterations to premises 16. Clause 10.1 – Infringement's for offences and penalties
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Director Development, Sustainability and Lifestyle (3, 8, 11) Manager Environmental Health and Community Safety Senior Environmental Health Officer Graduate Environmental Health Officer
Conditions/ Reporting Requirements	Nil

23. TOWN OF PORT HEDLAND HEALTH ANIMALS, ENVIRONMENT AND NUISANCE LOCAL LAW 2016

23.1 VARIOUS POWERS

Function to be performed	Various Local Government Powers under the Town's Animals, Environment and Nuisance Local Law 2016
Legislative power or duty delegated	<ol style="list-style-type: none"> 1. Clause 2.7 – application for approval to keep poultry and pigeons 2. Clause 2.16(2) – Approval required to keep bees 3. Clause 2.18(1) and (3) – Dispose of bees and bee hives or both 4. Clause 2.20 - Licence to keep farm animals 5. Clause 2.22 – Determination of application to keep farm animals 6. Clause 2.24 – Variation or cancellation of licence to keep farm animals and conditions of licence 7. Clause 2.25(2) – Conditions for keeping farm animals 8. Clause 2.26 – keeping a miniature horse 9. Clause 2.27 – keeping a miniature pig 10. Clause 3.3 – unauthorised storage of materials 11. Clause 3.4 – Prohibited activities 12. Clause 3.7(2) – Notice requiring removal of refuse and disused materials 13. Clause 3.8 – Notice requiring removal of unsightly overgrowth of vegetation 14. Clause 3.11 – Notice requiring removal of hazardous trees 15. Clause 4.3(c) – Notice to take such action to prevent emission or refraction of light 16. Clause 4.4(3)(a) and (d) - Approval of burning rubbish, refuse or other material 17. Clause 6.1(1) – Notice of breach 18. Clause 6.3 – Undertake requirements of notice 19. Schedule 1 – Prescribed offences item 1 20. Schedule 1 – Prescribed offences items 2 to 3 21. Schedule 1 – prescribed offences item 4 22. Schedule 1 – prescribed offences items 5 to 6 23. Schedule 1 – prescribed offences items 7 to 25 24. Schedule 1 – prescribed offences item 26 25. Schedule 1 – prescribed offences items 27 to 34 26. Schedule 1 – prescribed offences items 35 and 36 27. Schedule 1 - prescribed offences items 37 to 41 28. Schedule 1 – prescribed offences item 42 29. Schedule 1 – prescribed offences items 43 to 47 30. Schedule 1 – prescribed offences items 48
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Chief Executive Officer delegates to	Director Development, Sustainability and Lifestyle (3, 18, 30)

	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) 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) 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) Team Leader Ranger (3, 10, 12, 13, 14, 16, 17, 19, 22, 23, 25, 27, 29, 30) Ranger(s) (3, 10, 12, 13, 14, 16, 17, 19, 22, 23, 25, 27, 29, 30) Trainee Ranger(s) (3, 10, 12, 13, 14, 16, 17, 19, 22, 23, 25, 27, 29, 30) Community Emergency Services Advisor (16, 17)
Conditions/ Reporting Requirements	Nil

23.2 AUTHORISED OFFICERS

Function to be performed	Authorised Officer under the Town's Animals, Environment and Nuisance Local Law 2016
Legislative power or duty Authorised	<p>Town of Port Hedland Animals, Environment and Nuisance Local Law 2016:</p> <ol style="list-style-type: none"> Clause 2.26(2) and (3) - Keeping a miniature horse Clause 2.27(2) – Keeping a miniature pig Clause 2.28(1)(c) and (2) – Approval of materials for farm animal shelter Clause 2.30(1) – Impounding of livestock Clause 3.1 - Provision of refuse receptacles Clause 3.5(b) – Approval for dust management plan Clause 3.7 – Notice requiring the removal of refuse, rubbish or disused material Clause 3.8 – Notice requiring the removal of the overgrowth of vegetation Clause 4.4(5) – Determining fire danger rating Clause 4.8 – Approved method for disposal of swimming pool backwash Clause 4.11 – Abate a nuisance where an amusement is provided Clause 4.14(2) – Notice requiring a person to dispose of any feed or waste products
Authorisation from	Local Government, pursuant to Section 9.10 of the <i>Local Government Act 1995</i>
Authorisation to	<p>Chief Executive Officer Manager Environmental Health and Community Safety (1, 2, 3, 5, 6, 7, 8, 10, 11, 12) Senior Environmental Health Officer (1, 2, 3, 5, 6, 7, 8, 10, 11, 12) Graduate Environmental Health Officer (1, 2, 3, 5, 6, 7, 8, 10, 11, 12) Team Leader Ranger (1, 2, 4, 7, 8, 9, 12) Ranger(s) (1, 2, 4, 7, 8, 9, 12) Trainee Ranger(s) (1, 2, 4, 7, 8, 9, 12) Community Emergency Services Advisor (9)</p>
Chief Executive Officer delegates to	Not applicable
Conditions/ Reporting Requirements	Nil

24. FREEDOM OF INFORMATION ACT 1992

24.1 DECISIONS MADE UNDER THE FREEDOM OF INFORMATION ACT 1992

Function to be performed	Decisions made under the <i>Freedom of Information Act 1992</i>
Legislative power or duty authorised	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.
Authorisation from	Chief Executive Officer (this is not a Council power – see section 100)
Authorisation to	Manager Governance (2) Legal Advisor (1) Senior Records Officer (1) Governance Officer (1)
Conditions and Reporting Requirements	Nil

25. PUBLIC INTEREST DISCLOSURES ACT 2003

25.1 PUBLIC INTEREST (PID) OFFICER

Function to be performed	The person responsible for receiving disclosures of public interest information under the <i>Public Interest Disclosures Act 2003</i>
Legislative power or duty authorised	To exercise the functions and duties of a proper authority to whom a disclosure is made
Authorisation from	Chief Executive Officer (this is not a Council power – see section 23(1)(a))
Authorisation to	Manager Governance
Conditions and Reporting Requirements	Nil