

Council

REGISTER OF DELEGATED AUTHORITY –
ANNUAL REVIEW

Register of Delegation, Sub-delegations,
Appointments and Authorisations

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Register of Delegations, Sub-delegations, Appointments and Authorisations

Adopted by the Council 30 May 2023

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Introduction

Format of Register

This Register includes:

- Delegations from the Council to the Chief Executive Officer, and where appropriate to other employees; and
- Sub delegations from the Chief Executive Officer to other employees

The Register includes the relevant delegation decision followed by a sub delegation decision (where relevant).

As a matter of principle throughout the Register, the Chief Executive Officer is the only employee authorised by the Shire of Plantagenet to commence (or authorise the commencement of) legal proceedings.

Terminology and Acronyms

Clause – of the Shire of Plantagenet Local Planning Scheme No 5, referenced by 'cl', as in cl8.2.1.

Employee – refers to an employee of the Shire of Plantagenet. It should be noted although the Chief Executive Officer may generally only delegate a function or duty to an employee (s5.44 Local Government Act 1995 and others) any 'person' may be appointed an Authorised Person (although some Acts, such as the Building Act 2011 and Health Act 1911 require only employees or certain qualified employees to be 'authorised' or 'appointed'). Thus, care needs to be taken to ensure that contractors are not 'delegated' functions or duties, although they may be appointed as Authorised Persons.

Regulation – subordinate legislation, referenced by 'r', as in r22.

Schedule – to an Act, referenced as 'Sch', as in Sch 3.2.

Section - of an Act, referenced by 's', as in s5.42.

Sub delegation – the terms 'sub delegate' and 'sub delegation' are used as a style preference, rather than 'on delegate' or 'on delegation'.

Delegations and Sub Delegations

The application of delegated authority is intended to improve the efficiency, effectiveness and timeliness of decision making and is consistent with the Shire's Strategic Community Corporate Business Plan and commitment to a strong customer service focus maintain an open and accountable professional organisation providing leadership for the community.

The use of delegated and sub delegated authority does not 'undermine' the roles and responsibilities of elected members constituting the Council as the peak local decision-making body of the community. Rather it should be seen as freeing up the Council from some matters to be better able to deal with high level strategic matters and in the knowledge that decision making on the former will be made by employees consistent with Council Policy and precedents.

The Council (and the Chief Executive Officer in the case of most sub delegations) will only delegate matters where the relevant employees have the appropriate skills and expertise to implement the delegation or sub delegation within the Shire's decision-making frameworks. At the same time the exercise of all delegated and sub delegated authority is subject to complying with relevant Policies of the Shire, which are cross referenced within each Instrument.

An important safeguard is also the principle that nothing prevents the delegating body or person from taking back a delegation or sub delegation or actually making the relevant decision on a particular issue.

This Register describes:

- the 'head of power' for the exercise of delegation to an elected member, employee, Committee or person
- the 'head of power' for sub delegation (where such authority exists under the relevant legislation),
- the precise authority being delegated, including any limits, restrictions or conditions
- relevant Shire policies applicable to the execution of the delegation or sub delegation
- the statutory requirements for the Council to review all delegations, and others to review sub delegations.

In general, for all matters, whether made under the Local Government Act 1995, or otherwise, the requirement of the Local Government Act 1995 to review the Register at least once every financial year will be followed, except where delegations under other Acts have different requirements. Where there is no statutory requirement for review, the provisions of the Local Government Act will be applied to ensure uniformity of approach and outcome.

Authorisations

This Register includes authorisations under the Local Government Act 1995 and other legislation. In most cases, authorisations are made by the Chief Executive Officer under delegated authority. In some cases, authorisations are made by the Council itself because the relevant statute requires.

Some legislation provides for authorisation of Local Government officers to have powers as are necessary in order for them to perform their required duties as a specific function of the local government. These duties are carried out as 'acting through' functions under s5.45(2) of the Local Government Act 1995.

Appointments

Consistent with the aim of providing a single resource, this Register includes appointments under various statutes, in some cases such appointments are "as of right" and in others the Council or the Chief Executive Officer has chosen not to make an appointment at the date of adoption of this Register.

Local Government Act 1995

The majority of delegations and sub delegations described in this Register originate under the Local Government Act 1995 which permits a local government (by absolute majority decision under s5.42(1)) to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act except those listed in s5.43, which are:

- any power or duty that requires a decision of an absolute majority or special 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 exceeding an amount determined by the local government
- any of the local government's powers under s5.98, 5.98A, s5.99, s5.99A and s5.100 of the Act
- borrowing money on behalf of the local government
- hearing or determining an objection of a kind referred to in s9.5 of the Act
- the power under s9.49A(4) of the Act to authorise a person to sign documents on behalf of the local government
- any power or duty that requires the approval of the Minister or the Governor.

In addition, there are ~~several~~ other matters which cannot be delegated to the CEO:

- under r18G of the Local Government (Administration) Regulations s7.12a, 7.12(2), 7.12A(3)(a) and s7.12(4), which relate to meetings with auditors
- ~~under r18C and 18D which relate to the recruitment and performance management of the Chief Executive Officer.~~

The delegation powers under the Local Government Act 1995 relate to the Act itself, Regulations made under the Act and Local Laws made under the Act.

Other Legislation

Legislation other than the Local Government Act 1995, its Regulations and the Shire's Local Laws created under the Act where delegations, authorisations or appointments may occur (and which are relevant to the Shire of Plantagenet) include:

- Animal Welfare Act 2002
- Australian Citizenship Act 2007
- Building Act 2011 and Building Regulations 2012
- Bush Fires Act 1954, regulations and local laws created under that Act
- Cat Act 2011 and regulations
- Caravan Parks and Camping Grounds Act 1995
- Control of Vehicles (Off-Road Areas) Act 1978 and regulations
- Dog Act 1976 and regulations
- Equal Opportunity Act 1984
- Environmental Protection Act 1986
- Food Act 2008
- Freedom of Information Act 1992
- Graffiti Vandalism Act 2016
- Health (Miscellaneous Provisions) Act 1911 regulations and local laws created under that Act
- Health (Asbestos) Regulations 1992
- Land Administration Act 1997, and regulations
- Litter Act 1979 and regulations
- Local Government (Miscellaneous Provisions) Act 1960
- Parks and Reserves Act 1895
- Planning and Development Act 2005 including regulations, policies and the Local Planning Scheme
- Public Interest Disclosure Act 2003
- Public Health Act 2016
- Rates and Charges (Rebates and Deferments) Act
- Road Traffic Act 1974
- Strata Titles Act 1985.

The Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 Part 10 Clauses 82 and 83 enable local government to delegate powers and duties to the CEO who, in turn, may delegate powers or the discharge of the CEOs functions under the Scheme to an employee.

Sub Delegation by the Chief Executive Officer

The Local Government Act 1995 allows the Chief Executive Officer to delegate any of the powers delegated to the office of Chief Executive Officer to another employee (s5.44(1)), in writing (s5.44(2)) and may include conditions (s5.44(4)).

Review of Delegations

The Register of Delegations relevant to the Chief Executive Officer and other employees will be reviewed at least once every financial year (s5.46(1), (2)).

As a matter of principle, the Shire of Plantagenet will review all delegations, authorisations and appointments at least once in every financial year, whether under the Local Government Act 1995, or another Act. This will include the Chief Executive Officer reviewing all sub delegations, authorisations and appointments made by him or her.

Record of Actions and Decisions

If a person is exercising a power or duty that has been delegated (including sub delegated), the Local Government Act requires that records be kept whenever the delegated authority is utilised (s5.46(3)).

The record is to contain information on:

- how the person exercised the power or discharged the duty
- when the person exercised the power or discharged the duty
- the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty (r19 Local Government (Administration) Regulations 1996).

Departments responsible for a work process are to ensure that data is captured and records managed in accordance with all legislation, as well as preparing reports to Council where required under a specific delegation.

Primary/Annual Returns and Gift Disclosures

A person to whom a duty or power is delegated under the Local Government Act 1995 is considered to be a 'designated employee' under s5.74(b) of the Act and is required to complete a primary and annual return each year. These requirements relate only to delegations under the Local Government Act 1995 and not any other Acts.

Acting through another person

The Local Government Act recognises that employees do not always need delegations (or sub delegations) to carry out their tasks and functions on behalf of the Shire. Section 5.45 (2) of the Act states:

Nothing in this Division (Division 4 - Local Government Employees) is to be read as preventing:

- a) a local government from performing any of its functions by acting through a person other than the Chief Executive Officer
- b) a Chief Executive Officer from performing any of his or her functions by acting through another person.

The key difference between a delegation and 'acting through' is that a delegate exercises the delegated decision-making function in his or her own right. Thus, an employee may pay an account or issue an approval if directed to do so by another employee who has the authority to make such a decision and chooses to 'act through' another employee.

The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the 'acting through' concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.

The difference between a delegated authority to exercise a discretion on behalf of the Shire and acting through another person to undertake a function on behalf of the Shire where no discretion exists is reinforced by s56 of the Interpretation Act 1984 which states –

56. "May" imports a discretion, "shall" is imperative

- (1) Where in a written law the word "may" is used in conferring a power, such word shall be interpreted to imply that the power so conferred may be exercised or not, at discretion.*
- (2) Where in a written law the word "shall" is used in conferring a function, such word shall be interpreted to mean that the function so conferred must be performed.*

For further information, see Department of Local Government and Communities Guideline No 17 - Delegations.

DELEGATIONS AND SUB DELEGATIONS

1. ADMINISTRATION

1.1 Annual Electors' Meeting – Setting Dates

Reference	Legislative Reference	Delegate/Appointee	Title
	s5.27(2) Local Government Act 1995	Chief Executive Officer	Setting date for annual electors' meeting

Delegator/Appointer

Council, pursuant to s5.42 Local Government Act 1995

Power or Duty Delegated

The Chief Executive Officer is delegated authority to set the date for the annual electors' meetings.

Conditions/Notes

Chief Executive Officer must consult the Shire President and reach agreement on the proposed date, or it must be submitted to Council for determination.

A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.

Cannot be sub delegated.

Relevant Council Policies

There are no Council Policies relating to this delegation

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

1.2 Appointment of Acting CEO

Reference	Legislative Reference	Delegate/Appointee	Title
Previously LG008	s5.36 (1)(a) Local Government Act 1995 Local Government (Administration) Regulations 1996	Chief Executive Officer	Appointment of Acting Chief Executive Officer

Delegator/Appointer

Council, pursuant to s5.42 Local Government Act 1995

Power or Duty Delegated

The Chief Executive Officer is delegated authority to appoint the Deputy Chief Executive Officer to the position of Acting Chief Executive Officer for periods of absence by the Chief Executive Officer not longer than five weeks.

Conditions/Notes

Chief Executive Officer must inform the Shire President of all Acting Chief Executive Officer arrangements.

For longer periods of absence, the Chief Executive Officer shall submit a recommendation for the consideration of the Council.

If the Deputy Chief Executive Officer is unavailable or unwilling to accept the appointment, the Chief Executive Officer shall appoint either the **Executive Manager Development Services or the Executive Manager Works and Services** as Acting Chief Executive Officer.

In the event that the Chief Executive Officer's position becomes vacant, all acting arrangements are to be determined by the Council, by absolute majority, in accordance with s5.36(2)(a), s5.36(2)(b), s5.39 and s5.40 of the Local Government Act 1995 and r18A, r18B, r18F and r19A of the Local Government (Administration) Regulations 1996.

Cannot be sub delegated.

Relevant Council Policies

There are no Council Policies relating to this delegation

Review Requirements

At least once every financial year.

Review Dates

23 May 2023 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

1.3 Appointment of Authorised Officers

Reference	Legislative Reference	Delegate/Appointee	Title
	s9.10, s9.11, s9.13, s9.16, s9.17, s9.19, s9.20 Local Government Act 1995	Chief Executive Officer	Appointment of Authorised Persons under the Local Government Act

Delegator/Appointer

Council, pursuant to s5.42 Local Government Act 1995.

Power or Duty Delegated

The Chief Executive Officer is delegated authority to appoint authorised persons for the purposes of Division 2 Sub Division 1 of the Local Government Act 1995.

The Chief Executive Officer is delegated authority to appoint Authorised Persons under s9.10, s9.11, s9.13, s9.16, s9.17, s9.19 and s9.20 of the Local Government Act 1995.

Conditions

Appointed Authorised Persons are to hold a Certificate of Appointment in accordance with s9.10(2).

Relevant Council Policies

There are no Council Policies relating to this delegation.

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

1.4 Collection of Native Flora and Vegetation

Reference	Legislative Reference	Delegate/Appointee	Title
	<p>s 3.54, s5.42, s5.44 Local Government Act</p> <p>Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008</p>	Chief Executive Officer	Collection of Native Flora and Vegetation

Delegator/Appointer

Council

Power or Duty Delegated

The Chief Executive Officer is authorised to determine applications for the collection of Native Flora and Vegetation from roads, other reserves and property under the care, control and management of the Council.

Conditions

Must comply with relevant Council Policies and Local Law.

Relevant Council Policies

Native Flora and Vegetation Collection

Review Requirements

To be reviewed at least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)

Chris Pavlovich
Shire President

1.4A Collection of Native Flora and Vegetation – Sub Delegation

Reference	Legislative Reference	Delegate/Appointee	Title
	s 3.54, s5.42, s5.44 Local Government Act Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008	Executive Manager Works and Services	Collection of Native Flora and Vegetation

Delegator/Appointer

Chief Executive Officer

Power or Duty Delegated

The Executive Manager Works and Services is authorised to determine applications for the collection of Native Flora and Vegetation from roads, other reserves and property under the care, control and management of the Council.

Conditions

Must comply with relevant Council Policies and Local Law.

Relevant Council Policies

Native Flora and Vegetation Collection

Review Requirements

To be reviewed at least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)

Gary Clark~~Cameron Woods~~
Chief Executive Officer

1.5 Duplication of Services

Reference	Legislative Reference	Delegate/Appointee	Title
	s3.18(3) Local Government Act 1995	Chief Executive Officer	Duplication of Services - Ensuring no duplication of services and facilities provided by Commonwealth and State Governments.

Delegator/Appointer

Council, pursuant to s5.42 Local Government Act 1995

Power or Duty Delegated

The Chief Executive Officer is delegated authority to ensure that services and facilities that the local government provides:

- integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body
- do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private
- are managed efficiently and effectively.

Conditions/Notes

Chief Executive Officer to ensure all agenda items and recommendations to the Council and Committees comply with these provisions.

Must comply with relevant Council Policies.

Relevant Council Policies

Legislative Compliance

Review Requirements

At least once every financial year.

Review Date

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

1.6 Executing Documents

Reference	Legislative Reference	Delegate/Appointee	Title
	s9.49A Local Government Act 1995 Transfer of Land Act 1893 Land Administration Act 1997 Strata Titles Act 1985	Chief Executive Officer	Executing Documents

Delegator/Appointer

Council, pursuant to s5.42 Local Government Act 1995.

Power or Duty Delegated

Pursuant to s5.42 Local Government Act 1995 the Chief Executive Officer is authorised to execute documents under s9.49A(4) of the Local Government Act 1995 including signing the following documents and/or deeds on behalf of the Shire, including lodgement, removal, withdrawal, surrender or modification - notifications, covenants and easements under the Transfer of Land Act 1893; reciprocal access and/or parking agreements; rights of carriageway agreements; caveats under the Transfer of Land Act 1893; and easements or deeds of easement under the Land Administration Act 1997 and/or Strata Titles Act 1985.

Conditions

In accordance with s9.49A (3) of the Act, the common seal is to be affixed to a document in the presence of the Shire President and Chief Executive Officer. This duty cannot be delegated.

Relevant Council Policies

There are no Council Policies relating to this delegation

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 31 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

1.7 Gifts to Retiring Councillors

Reference	Legislative Reference	Delegate/Appointee	Title
	s5.100A, s5.102 of the Local Government Act 1995 Local Government (Administration) Regulations 1996	Chief Executive Officer	Gifts to Retiring Councillors

Delegator/Appointer

Council, pursuant to s5.42 Local Government Act 1995

Power or Duty Delegated

The Chief Executive Officer is delegated authority to make arrangements for a gift to retiring Councillors in accordance with s5.100A of the Local Government Act and r34AC of the Local Government (Administration) Regulations 1996.

Conditions/Notes

Must have regard to Division 8 of Part 5 of the Local Government Act 1995.

The Chief Executive Officer must consult with the Shire President on any proposal for a gift, and if it relates to the Shire President, with the Deputy Shire President.

Must comply with relevant Council Policies.

Relevant Council Policies

Recognition of Councillors and Staff

Review Requirements

At least once every financial year.

Review Dates

23 May 2023 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

1.8 Loan of Council Furniture

Reference	Legislative Reference	Delegate/Appointee	Title
Previously LG025	s5.42 Local Government Act 1995	Chief Executive Officer	Loan of Council Furniture

Delegator/Appointer

Council, pursuant to s5.42 Local Government Act 1995

Power or Duty Delegated

The Chief Executive Officer is delegated authority to determine applications for the loan or hire of Council furniture such as tables and chairs.

Conditions/Notes

There are no conditions or notes relating to this delegation

Relevant Council Policies

There are no Council Policies relating to this delegation.

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

1.8A Loan of Council Furniture

Reference	Legislative Reference	Delegate/Appointee	Title
	s5.42, s5.44 Local Government Act 1995	Deputy Chief Executive Officer Executive Manager Works and Services Executive Manager Development Services	Loan of Council Furniture

Delegator/Appointer

Chief Executive Officer

Power or Duty Delegated

The Executive Manager Works and Services, ~~Executive~~ Manager Development Services or Deputy Chief Executive Officer are delegated authority to determine applications for the loan or hire of Council furniture such as tables and chairs.

Conditions/Notes

There are no conditions or notes relating to this delegation.

Relevant Council Policies

There are no Council Policies relating to this delegation.

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)

~~Cameron Woods~~ Gary Clark

Chief Executive Officer

1.9 Local Government Elections

Reference	Legislative Reference	Delegate/Appointee	Title
	S4.20 Local Government Act 1995 Local Government (Elections) Regulations 1997	Chief Executive Officer	Local Government election promotion, expenses and related matters

Delegator/Appointer

Council, pursuant to s5.42 Local Government Act 1995

Power or Duty Delegated

The Chief Executive Officer is delegated authority to take necessary actions to promote the conduct of elections and polls within the Shire.

The Chief Executive Officer is delegated authority to pay fees and charges to the electoral officers for conducting the election and to pay any expenses incurred by the Electoral Commissioner if a declaration is made under s4.20(4) of the Local Government Act 1995.

Conditions/Notes

Must comply with Local Government (Elections) Regulations 1997.

Relevant Council Policies

There are no Council Policies relating to this delegation.

Review Requirements

At least once every financial year.

Review Date

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

1.10 Private Property – Notices – Power of Entry

Reference	Legislative Reference	Delegate/Appointee	Title
Previously LG009	s3.24, s3.25, s3.26(2), s3.26(3), s3.27(1), s3.28, s3.31 – s3.36, Sch3.1, Sch3.2 and Sch9.1 Local Government Act 1995 Local Government (Uniform Local Provisions) Regulations 1996.	Chief Executive Officer	Private Property – Notices – Power of Entry Notices requiring things to be done by owner or occupier of land and additional powers when notice is given, undertake works on land that is not local government property and powers of entry.

Delegator/Appointer

Council, pursuant to s5.42 Local Government Act 1995

Power or Duty Delegated

The Chief Executive Officer is delegated the powers and duties of the local Government, and specifically authorised under s3.24, s3.25, s3.26(2), (3), s3.27(1), s3.28, s3.31 – s3.36 and Sch 3.1, Sch 3.2 and Sch 9.1 of the Local Government Act in relation to notices requiring certain things to be done by owner or occupier of land and additional powers when notice is given.

The Chief Executive Officer is delegated the power to deem an excavation to be dangerous and to fill in or fence the excavation, or request the owner or occupier to fill or securely fence the excavation, subject to Regulation 11(1) of the Local Government (Uniform Local Provisions) Regulations 1996 and Schedule 3.1, Division 2, item 2 and s3.25(1)(b) of the Local Government Act 1995.

Conditions/Notes

Approvals given are subject to regulation 14(2) of the Local Government (Uniform Local Provisions) Regulations 1996 (where relevant).

In relation to r12, r13, r14, r15, r16, r17 of the Local Government (Uniform Local Provisions) Regulations 1996 due process must be followed for the issuing of a notice under s3.25 of the Act.

Must comply with relevant Council Policies.

Relevant Council Policies

Notice of Entry for Public Services and Utilities

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)

Chris Pavlovich
Shire President

1.10A Private Property – Notices – Power of Entry – Sub Delegation

Reference	Legislative Reference	Delegate/Appointee	Title
Previously LG009	s3.25, s3.26(2), s3.26(3), s3.27(1), s3.28, s3.31 – s3.36, Sch3.1, Sch3.2 and Sch9.1 Local Government Act 1995 Local Government (Uniform Local Provisions) Regulations 1996.	Executive Manager Works and Services Works Manager Ranger <u>Compliance Officer</u>	Private Property – Notices, Power of Entry Notices requiring things to be done by owner or occupier of land and additional powers when notice is given, undertake works on land that is not local government property and powers of entry

Delegator/Appointer

Chief Executive Officer, pursuant to s5.44 Local Government Act 1995

Power or Duty Delegated

Executive Manager Works and Services, Works Manager, ~~and~~ Ranger, Compliance Officer are delegated the powers and duties of the local government under s3.25, s3.26(2) and s3.26(3), s3.27(1), s3.28 and Sch 3.1, Sch 3.2 and Sch 9.1 of the Local Government Act in relation to notices requiring certain things to be done by Owner or Occupier of land and additional powers when notice is given.

Executive Manager Works and Services, Works Manager and Ranger are delegated the authority to deem an excavation to be dangerous and to fill in or fence the excavation, or request the owner or occupier to fill or securely fence the excavation, subject to Regulation 11(1) of the Local Government (Uniform Local Provisions) Regulations 1996 and Schedule 3.1, Division 2, item 2 and s3.25(1)(b) of the Local Government Act 1995.

Conditions/Notes

Approvals given are subject to r14(2) of the Local Government (Uniform Local Provisions) Regulations 1996 (where relevant).

In relation to r12, r13, r14, r15, r16, r17 of the Local Government (Uniform Local Provisions) Regulations 1996 due process must be followed for the issuing of a notice under s3.25 of the Act.

Must comply with relevant Council Policies.

Relevant Council Policies

Notice of Entry for Public Services and Utilities

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)

~~Cameron Woods~~ Gary Clark
Chief Executive Officer

1.11 Signage, Banners – Directional, Service and Tourism

Reference	Legislative Reference	Delegate/Appointee	Title
Previously LG041	s5.42, s5.44 Local Government Act 1995	Chief Executive Officer	Signage/Banners – Directional, Service and Tourism

Delegator/Appointer

Council, pursuant to s5.42 Local Government Act 1995

Power or Duty Delegated

The Chief Executive Officer is delegated authority to determine applications for the placement and duration of Directional, Service, Tourism Banners and signage including the Council's electronic notice board, on property under the care and control of the Council.

Conditions/Notes

Must comply with relevant Council Policies.

Relevant Council Policies

Lowood Road - Promotion Banners
Advertising Signage at Sounness Park
Public Electronic Notice Board – Messages
Tourism, Tourism Services and Community Services Directional Signs

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

1.12 Tenders and Expressions of Interest

Reference	Legislative Reference	Delegate/Appointee	Title
Previously LG012	s3.57, s5.43(b) of the Local Government Act 1995 r14(2a), r18(4), r18(5), r20(1), r20(2), r21(1), r23(3) Local Government (Functions and General) Regulations 1996	Chief Executive Officer	Inviting Tenders for goods or services and related matters. Seeking expressions of Interest

Delegator/Appointer

Council, pursuant to s5.42 Local Government Act 1995

Power or Duty Delegated

The Chief Executive Officer is delegated authority to invite tenders for works and services in the relevant financial year adopted budget, where required in accordance with s3.57 of the Local Government Act 1995.

The Chief Executive Officer is delegated authority pursuant to Local Government (Functions and General) Regulations 1996:

1. r21 to seek expressions of interest with respect to the supply of goods or services, if there is good reason to make a preliminary selection from amongst prospective tenderers.
2. r14(2a) to determine in writing the criteria for deciding which tender should be accepted.
3. r18(4) and (5) to consider any tender that has not been rejected and decide which one to accept or decline.
4. r20(1) power, with the approval of the tenderer, to make a minor variation in a contract for goods or services before the Shire enters the contract with the successful tenderer.
5. r20(2) to select the next most advantageous tender if the successful tenderer does not want to accept the contract with the variation, or the local government and the tenderer cannot reach agreement.
6. r21(1) to seek expressions of interest with respect to the supply of the goods or services before entering the tender process.
7. r23(3) to consider any submissions of interest that have not been rejected and decide which ones could satisfactorily supply the goods or services.

Conditions/Notes

1. Specify selection criteria for all tenders called in accordance with r14 and r18 of the Local Government (Functions and General) Regulations 1996.
2. Accept tenders, negotiate and execute tender contracts up to the Tender threshold as specified by Local Government (Function and General) Regulation 11, where there is a budget provision approved, or in the case of a multiple year contract (including extensions thereof) up to a total contract value of the Tender

- threshold above in accordance with s5.43(b).
3. Must have regard to the requirements of r15 Local Government (Functions and General) Regulations 1996

Must comply with relevant Council Policies.

Relevant Council Policies

Purchasing and Tender Guide
Tenders – Canvassing of Councillors
Related Party Disclosures
Regional Price Preference

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

2. FINANCE

2.1 Annual Financial Report

Reference	Legislative Reference	Delegate/Appointee	Title
	s6.4 of the Local Government Act 1995	Chief Executive Officer	Annual Financial Report

Delegator/Appointer

Council, pursuant to s5.42 Local Government Act 1995

Power or Duty Delegated

The Chief Executive Officer is delegated authority to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed, and to submit them to the Shire's auditor each year, in accordance with s6.4 of the Local Government Act 1995.

Conditions/Notes

Must comply with relevant Council Policies.

Relevant Council Policies

Legislative Compliance

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

2.2 Annual Report

Reference	Legislative Reference	Delegate/Appointee	Title
	s5.53(1) of the Local Government Act 1995	Chief Executive Officer	Preparation of Annual Report

Delegator/Appointer

Council, pursuant to s5.42 Local Government Act 1995

Power or Duty Delegated

The Chief Executive Officer is delegated authority to prepare, each financial year, the Annual Report as required by s5.53(1) of the Local Government Act.

Conditions/Notes

Must comply with relevant Council Policies.

Relevant Council Policies

Legislative Compliance

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

2.3 Business Plans – Preparation of

Reference	Legislative Reference	Delegate/Appointee	Title
	S3.59 of the Local Government Act 1995	Chief Executive Officer	Preparation of Business Plan in relation to commercial enterprise

Delegator/Appointer

Council, pursuant to s5.42 Local Government Act 1995

Power or Duty Delegated

The Chief Executive Officer is delegated authority to prepare a business plan before the Council enters into a major trading undertaking, a major land transaction or a land transaction that is preparatory to a major land transaction.

The Chief Executive Officer is delegated authority to give Statewide public notice stating the proposal, where the plan may be inspected or obtained and calling for submissions on the plan within 6 weeks.

Conditions/Notes

Cannot be sub delegated.

Relevant Council Policies

There are no Council Policies relating to this delegation.

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

2.4 Disposal of Plant, Equipment and Property

Reference	Legislative Reference	Delegate/Appointee	Title
Previously LG012	s3.58, Local Government Act 1995 r30 Local Government (Functions and General) Regulations 1996	Chief Executive Officer	Disposal of Plant, Equipment and Property. Authority to sell, lease, or otherwise dispose of plant, equipment and property

Delegator/Appointer

Council, pursuant to s5.42 Local Government Act 1995.

Power or Duty Delegated

The Chief Executive Officer is delegated authority pursuant to s3.58 of the Local Government Act 1995 and r30 Local Government (Functions and General) Regulations 1996 to sell, lease, or otherwise dispose of, whether absolutely or not, plant, equipment and property, which are no longer required for the Council's purposes.

For the purposes of s5.43(d) of the Local Government Act 1995 the maximum value of the asset to be disposed of is hereby established as \$20,000.00.

Conditions

May not dispose of plant, equipment and property worth more than \$20,000.00.

Sale of surplus plant, equipment and property over an estimated value of \$50.00 and under an estimated value of \$20,000.00 is to be undertaken by a public auction or tender process.

Where property that has been offered for public auction but not sold, offers for sale by private treaty may be accepted.

Accept tenders relating to the disposal of impounded perishable and non-perishable goods in accordance with s3.47 of the Local Government Act 1995.

Must have regard to the provisions of s3.58(3) and s3.58(4) of the Local Government Act 1995.

Must comply with relevant Council Policies.

Relevant Council Policies

Plant – General Policy

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

2.5 Donations, Discounts and Debt Write-offs

Reference	Legislative Reference	Delegate/Appointee	Title
Previously LG005, LG032	s6.7(2), s6.12(1)(b), s6.12(1)(c), s6.12(3) Local Government Act 1995	Chief Executive Officer	Power to grant discounts, waive or write off debts and authority to make donations to community groups and individuals.

Delegator/Appointer

Council, pursuant to s5.42 Local Government Act 1995

Power or Duty Delegated

The Chief Executive Officer is delegated authority to make donations to community groups and individuals in accordance with s6.7(2) of the Local Government Act 1995.

The Chief Executive Officer is delegated authority to defer, grant discounts, waive or write off debts, including rates, in accordance with s6.12(1)(b), s6.12(1)(c) and s6.12(3) of the Local Government Act 1995.

Conditions/Notes

The Chief Executive Officer may only write off amounts under \$20.00.

The Chief Executive Officer is delegated the authority to approve discretionary donations to community groups (not individuals) to a maximum value of \$500.00 per application, subject to budgetary availability and subject also to, in the opinion of the Chief Executive Officer, the donation demonstrating direct benefit to the community of the Shire of Plantagenet.

Such donations are to be in addition to those approved specifically by the Council as part of the annual Financial Assistance Grants process.

Includes power to waive planning and building licence fees for community organisations where they are undertaking works, or constructing structures, on reserves under the Council's care, control and management subject to the following:

- the maximum waiver amount for any planning fee shall be \$200.00.
- the maximum waiver amount for any building licence fee shall be \$200.00.
- the community organisation must apply in writing seeking the fee waiver.

Includes power to waive or reduce fees charged for the use of Shire facilities by not-for-profit community organisations.

Includes power to waive or reduce the fees for sale of manure at the Mount Barker Regional Saleyards where manure is taken in bulk at the request of Saleyards staff.

All instances to defer, grant discounts, waive or write off debts are to be reported to the Council.

Must comply with relevant Council Policies.

Relevant Council Policies

Financial Assistance (Operating) to Incorporated Organisations and Clubs
Halls – Hall Hire Donations

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

2.6 Expenditure in the event of an emergency

Reference	Legislative Reference	Delegate/Appointee	Title
	s6.8(1)(c) of the Local Government Act 1995	Chief Executive Officer	Expenditure from municipal fund in the event of an emergency

Delegator/Appointer

Council, pursuant to s5.42 Local Government Act 1995

Power or Duty Delegated

The Chief Executive Officer is delegated authority to incur expenditure from the Municipal Fund in the event of an emergency pursuant to s6.8(1)(c) of the Local Government Act.

Conditions/Notes

1. Expenditure must be authorised in advance by the Shire President in accordance with s6.8(1)(c) of the Local Government Act.
2. This delegation includes authority to engage contractors or incur expenses on behalf of the Shire in relation to the containment or extinguishing of a fire which is beyond the local brigade resources or in response to other major disasters or emergencies.

Relevant Council Policies

There are no Council Policies relating to this delegation.

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

2.7 Investment of Surplus Funds

Reference	Legislative Reference	Delegate/Appointee	Title
Previously LG002	s6.14 of the Local Government Act 1995 Part III of the Trustees Act 1962 Local Government (Financial Management) Regulations 1996	Chief Executive Officer	Investment of surplus funds

Delegator/Appointer

Council, pursuant to s5.42 Local Government Act 1995

Power or Duty Delegated

The Chief Executive Officer is delegated authority to invest any funds held in the Municipal Fund or the Trust Fund that is not, for the time being, required for any other purpose. Such investments are to be made with banking institutions as provided for under Part III of the Trustees Act 1962 and subject to further advice received.

Conditions/Notes

In exercising this delegated authority, Chief Executive Officer shall observe s6.14 of the Act.

The Chief Executive Officer is to establish and document internal control procedures to be followed by employees to ensure control over investments in accordance with the Local Government (Financial Management) Regulations 1996.

The control procedures are to enable the identification of the nature and location of all investments and the transactions related to each investment.

The Chief Executive Officer is to review every two years the list of eligible institutions and those used by the Shire.

The Chief Executive Officer is to report details of investments made to the Council, whenever new investments are made, rolled over or otherwise amended in the monthly Financial Statement.

Must comply with relevant Council Policies.

Relevant Council Policies

Investments

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

2.7A Investment of Surplus Funds Sub Delegation

Reference	Legislative Reference	Delegate/Appointee	Title
	s6.14 of the Local Government Act 1995	Deputy Chief Executive Officer	Investment of surplus funds
	Part III of the Trustees Act 1962	Senior Finance Officer	
	Local Government (Financial Management) Regulations 1996		

Delegator/Appointer

Chief Executive Officer, pursuant to s5.44 Local Government Act 1995

Power or Duty Delegated

The Deputy Chief Executive Officer and Senior Finance Officer are delegated authority to invest any funds held in the Municipal Fund or the Trust Fund that is not, for the time being, required for any other purpose. Such investments are to be made with banking institutions as provided for under Part III of the Trustees Act 1962 and subject to further advice received.

Conditions/Notes

In exercising this delegated authority, Deputy Chief Executive Officer and Senior Finance Officer shall observe s6.14 of the Act.

The Deputy Chief Executive Officer and Senior Finance Officer are to establish and document internal control procedures to be followed by employees to ensure control over investments in accordance with the Local Government (Financial Management) Regulations 1996.

The control procedures are to enable the identification of the nature and location of all investments and the transactions related to each investment.

The Deputy Chief Executive Officer and Senior Finance Officer are to regularly review, every two years, the list of eligible institutions and those used by the Shire.

The Deputy Chief Executive Officer and Senior Finance Officer are to report details of investments made to Council, whenever new investments are made, rolled over or otherwise amended in the monthly Financial Statement.

Must comply with relevant Council Policies.

Relevant Council Policies

Investments

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)

~~Cameron Woods~~ Gary Clark
Chief Executive Officer

2.8 Legal representation and Cost indemnification

Reference	Legislative Reference	Delegate/Appointee	Title
Previously LG018	s6.7(2) Local Government Act 1995	Chief Executive Officer	Legal Representation and Cost Indemnification

Delegator/Appointer

Council, pursuant to s5.42 Local Government Act 1995

Power or Duty Delegated

The Chief Executive Officer is delegated authority to make available finance for legal assistance to elected members or employees in urgent circumstances, where it is deemed necessary in the exercise of the management of the Shire.

Conditions/Notes

1. Where there is a need for the provision of urgent legal services before an application can be considered by the Council, the Chief Executive Officer may give an authorisation to the value of \$5,000.00.
2. Must comply with the Council's Policies.
3. Includes the authority to approve the legal firm appointed by the applicant for the purpose of payment.
4. Availability of funds in the Shire's annual budget.
5. Legal expenses do not exceed \$5,000.00 in respect of each application.

Where it is the Chief Executive Officer who is seeking urgent financial support for legal services, the Council shall deal with the application.

Relevant Council Policies

There are no Council Policies relating to this delegation.

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

2.9 Payments from Municipal or Trust Funds

Reference	Legislative Reference	Delegate/Appointee	Title
Previously LG003	s6.5, s6.7, s6.9 Local Government Act 1995 r5, r8, r11, r12, r13 Local Government (Financial Management) Regulations 1996	Chief Executive Officer	Payments from Municipal or Trust Funds.

Delegator/Appointer

Council, pursuant to s5.42 Local Government Act 1995.

Power or Duty Delegated

The Chief Executive Officer is delegated authority to approve requisitions and purchase orders for the supply of goods and services and to make payments from the Shire's Municipal Fund or Trust Fund in accordance with r12 of the Local Government (Financial Management) Regulations 1996. This includes the authority to make payments of accounts and salaries and wages, payroll deductions and other obligations by cheque or Electronic Funds Transfer.

Conditions/Notes

1. Subject to the requirements of r5, r11, r12 and r13 of the Local Government (Financial Management) Regulations 1996.
2. All payments from the Municipal Fund or Trust Fund are to be authorised and signed in accordance with the Council's policies and the Shire's approved work procedures. Authority to the Chief Executive Officer is unlimited subject to annual budget limitations.
3. Each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled for each month which is to be presented to the next available ordinary meeting of the Council.

Must comply with relevant Council Policies.

Relevant Council Policies

Credit Card

Purchasing and Tender Guide

Payments of Councillors' Attendance Fees and Allowances

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)

Chris Pavlovich
Shire President

2.9A Payments from Municipal and Trust Funds Sub Delegation

Reference	Legislative Reference	Delegate/Appointee	Title
Previously LG029 and LG031	s6.5, s6.7, s6.9 Local Government Act 1995 r5, r8, r11, r12, r13 Local Government (Financial Management) Regulations 1996	As prescribed in the table below	Payments from Municipal or Trust Funds.

Delegator/Appointer

Chief Executive Officer, pursuant to s5.44 Local Government Act 1995

Power or Duty Delegated

The employees described below are delegated authority to approve requisitions and purchase orders for the supply of goods and services and to make payments from the Shire's Municipal Fund or Trust Fund in accordance with r12 of the Local Government (Financial Management) Regulations 1996. This includes the authority to make payments of accounts and salaries and wages, payroll deductions and other obligations by cheque or Electronic Funds Transfer.

Conditions

1. Subject to the requirements of r5, r11, r12 and r13 of the Local Government (Financial Management) Regulations 1996.
2. All payments from the Municipal Fund or Trust Fund are to be authorised and signed in accordance with the Council's policies and the Shire's approved work procedures.
3. Each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled for each month which is to be presented to the next available ordinary meeting of the Council.
4. The authority to approve requisitions and purchase orders and for the supply of goods and services delegated by the Chief Executive Officer to employees is subject to the following maximum individual amounts:

Authority by Employee Title	Maximum Amount (excl GST)	Limitation on authority
Deputy Chief Executive Officer Senior Finance Officer Executive -Manager Development Services Executive Manager Works and Services	In accordance with respective budget	This authority pertains to payments for transactions, including EFT, Creditors and Payroll. Signing and issuing of Purchase Orders All transactions require two (2) signatories.
Manager – Saleyards	\$5,000.00	Signing and issuing of Purchase Orders.
Manager Community and Recreation Services	\$5,000.00	Signing and issuing of Purchase Orders
Manager Works	\$5,000.00	Signing and issuing of Purchase Orders

Must comply with relevant Council Policies.

Relevant Council Policies

Credit Card

Purchasing and Tender Guide

Payments of Councillor Attendance Fees and Allowances

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)

~~Cameron Woods~~ Gary Clark
Chief Executive Officer

2.10 Rates Issues – General Delegation

Reference	Legislative Reference	Delegate/Appointee	Title
Previously LG001	s5.42, s6.26(2)(g), s6.39(1), s6.40, s6.41(1), s6.47, s6.49, s6.50(2), s6.56(1), s6.60(2), s6.64, s6.76(4) Local Government	Chief Executive Officer	Rates Issues - General Delegation

Delegator/Appointer

Council, pursuant to s5.42 Local Government Act 1995 and the Rates and Charges (Rebates and Deferments) Act 1992.

Power or Duty Delegated

Pursuant to s5.42 (1) (a) of the Local Government Act, and the Rates and Charges (Rebates and Deferments) Act 1992 a local government may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in s5.43.

The Chief Executive Officer is hereby delegated the performance of the following functions of the Council:

1. The discharge of the obligations specified in s6.39(1) of the Local Government Act 1995 (as amended).
2. The service of Notice of Valuation and Rates referred to in s6.41(1) of the Local Government Act 1995 (as amended).
3. The time allowed for the payment of the rate before it becomes in arrears in accordance with s6.50(2) of the Local Government Act 1995.
4. The powers conferred in s6.40 of the Local Government Act 1995 (Reassessment of Rates where Valuation Changed).
5. The exercise of discretion in regard to granting of any extension of time for service of objections to the Rate Book in accordance with s6.76(4) of the Local Government Act 1995.
6. Amend a rate record for the current financial year to ensure that the information contained in the record is current and correct and that the record is in accordance with the Act, and under s6.76 to determine objections to the rate record. This delegation includes the authority to amend the rate record for the five years preceding the current financial year.
7. Grant concessions in relation to a rate or service charge in accordance with s6.47 of the Local Government Act 1995 and under s6.49 to make an agreement with a person for payment of rates and service charges.
8. Make arrangements with ratepayers wishing to make application for alternative instalment arrangements and extension of payment arrangements.
9. Allow or disallow any objection to the rate record lodged under s6.76(1) in accordance with s6.76(5) of the Local Government Act 1995.

Conditions

Subject to Rates and Charges (Rebates and Deferments) Act 1992

Must comply with relevant Council Policies

Relevant Council Policies

Rates Debt Collection – Hardship
Rates Incentive Prize

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

2.11 Rates – Recovery where unpaid

Reference	Legislative Reference	Delegate/Appointee	Title
	s6.50(1), s6.50(2), s6.56(1), s6.60(2), s6.60(3), s6.60(4), s6.64(1), s6.64(3), s6.71(1), s6.74(1), s6.76(4), s6.76(5), Sch6.2 1(1), Sch6.3 1(4), Sch6.3 4(1) Local Government Act 1995	Chief Executive Officer	Actions against land where rates or service charges are unpaid

Delegator/Appointer

Council, pursuant to s5.42 Local Government Act 1995

Power or Duty Delegated

The Chief Executive Officer is delegated authority to exercise the powers and discharge the duties of the Council under s6.50(1), s 6.50(2), s 6.56(1), s 6.60(2), s 6.60(3), s 6.60(4), s 6.64(1), s6.64(3), s6.71(1), s6.74(1), s6.76(4), s6.76(5), Sch6.2 1(1), Sch6.3 1(4), Sch6.3 4(1) of the Local Government Act 1995.

Conditions/Notes

This delegation includes the powers, duties and functions of the local government including to:

1. Determine the date that a rate or service charge becomes due and payable in accordance with s6.50 of the Local Government Act 1995.
2. Recovery of rates and service charges pursuant to the provisions of s6.56(1) of the Local Government Act 1995.
3. Require a lessee to pay rent in accordance with s6.60(2), s6.60(3), s6.60(4) of the Local Government Act 1995.
4. Take possession of land where any rates or service charges have been unpaid for at least 3 years, in accordance with s6.64(1) and s6.64(3).
5. Lodge caveats on land where the rates are in arrears and it is considered that the interests of the Council should be protected and the subsequent withdrawal of caveats once arrears of rates have been settled in accordance with s6.64(3).

Must comply with relevant Council Policies.

Relevant Council Policies

Rates Debt Collection – Hardship

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

2.12 Reimbursement of Expenses to Shire President and Councillors

Reference	Legislative Reference	Delegate/Appointee	Title
	s5.98(2)(b), s5.98(4) of the Local Government Act 1995 r32, r34AB Local Government (Administration) Regulations 1995.	Chief Executive Officer	Reimbursement of expenses to Shire President and Councillors

Delegator/Appointer

Council, pursuant to s5.42 Local Government Act 1995

Power or Duty Delegated

The Chief Executive Officer is delegated authority to administer the reimbursement of expenses by the Shire President and Councillors, where such claims are consistent with the Council's Policy in accordance with s5.98 (2)(b), (4) Local Government Act 1995 and r32 and r34AB of the Local Government (Administration) Regulations 1995.

Conditions/Notes

Must comply with relevant Council Policies.

Relevant Council Policies

Elected Member Expenses to be Reimbursed

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

3. LAW, ORDER AND PUBLIC SAFETY

3.1 Bush Fires Act – General Delegation

Reference	Legislative Reference	Delegate/Appointee	Title
	s48 Bush Fires Act 1954 r4 Bush Fires (Infringements) Regulations 1958	Chief Executive Officer	Bush Fires Act -General Delegation

Delegator/Appointer

Council

Power or Duty Delegated

Pursuant to s48 Bush Fires Act 1954 the Chief Executive Officer is delegated authority to exercise the powers and discharge the duties of the Shire, except those specifically identified in this Register.

This delegation includes the authority to initiate legal action and prosecution. There is no power to sub delegate under the Bush Fires Act 1954.

Conditions

1. Does not include those matters in the Act which require a resolution of the Council, are prescribed in the Act for performance by prescribed employees, or are subject to separate delegated authority within this Register.
2. Only the Chief Executive Officer or the Shire President may withdraw infringement notices pursuant to s59A(3) Bush Fires Act 1954 and r4 Bush Fires (Infringements) Regulations 1958.

Must comply with relevant Council Policies.

Relevant Council Policies

Bushfire – Permits to Burn
Bushfire Guidelines – Vehicle Movement Bans
Road Verge Burning Policy

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ June 2024

Authority

..... (signature) (date)

Chris Pavlovich
Shire President

3.2 Bush Fires Act – Restricted and Prohibited Burning times

Reference	Legislative Reference	Delegate/Appointee	Title
Previous LG034	s17(10), s18(5) Bush Fires Act 1954	Chief Executive Officer	Bush Fires Act - Prohibited burning times Bush Fires Act - Restricted burning times

Delegator/Appointer

Council

Power or Duty Delegated

Pursuant to s17(10) Bush Fires Act 1954 the Chief Executive Officer is delegated authority to vary Prohibited Burning Times in accordance with s17(7), s17(8).

Pursuant to s18(5) Bush Fires Act 1954 the Chief Executive Officer is delegated authority to vary Restricted Burning times in accordance with s18(5)(B), s18(5)(C), s18(5)(D).

There is no power to sub delegate under the Bush Fires Act 1954.

Conditions

Must only be exercised following the written request of the Chief Bush Fire Control Officer.

Must comply with relevant Council Policies.

Relevant Council Policies

Bushfire Permits to Burn
Road Verge Burning
Bushfire Guidelines – Vehicle Movement Bans

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

3.3 Bush Fires Act – Variations to Fire Mitigation Orders

Reference	Legislative Reference	Delegate/Appointee	Title
Previously LG033	s48 Bush Fires Act 1954	Chief Executive Officer	Variations to Fire Mitigation Orders

Delegator/Appointer

Council

Power or Duty Delegated

Pursuant to s48 Bush Fires Act 1954 the Chief Executive Officer is delegated authority to vary or approve alternative arrangements to the Shire's Fire Mitigation Orders.

There is no power to sub delegate under the Bush Fires Act 1954.

Conditions

Maximum approval period to be 12 months.

Must comply with relevant Council Policies.

Relevant Council Policies

Refer to the Council's Annual Fire Mitigation Notice

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

3.4 Cat Act 2011 – Duties and Functions

Reference	Legislative Reference	Delegate/Appointee	Title
	s44 Cat Act 2011	Chief Executive Officer	Cat Act 2011 - All duties and functions

Delegator/Appointer

Council

Power or Duty Delegated

Pursuant to s44 Cat Act 2011 the Chief Executive Officer is delegated authority to perform all duties and functions of the local government under the Cat Act 2011.

The Chief Executive Officer is authorised to sub delegate under s45 of the Cat Act 2011.

Conditions

Pursuant to s48(2) of the Cat Act 2011 only an employee of the Shire can be appointed under s62 of the Cat Act 2011.

Relevant Council Policies.

There are no Council Policies relating to this delegation

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)

Chris Pavlovich
Shire President

3.4A Cat Act – Various Duties and Functions – Sub Delegation and Authorisation Instrument

Reference	Legislative Reference	Delegate/Appointee	Title
LG048	s26, s27, s37, s38, s39, s40, s48, s49, s62, s63, s64, s9, s10, s11, s12, s13 Cat Act 2011	Executive Manager Works and Services Ranger Registration Officers Customer Services Officer Telephonist Rates Officer Accounts Officer Records Officer	Cat Act 2011 -Various functions

Delegator/Appointer

Chief Executive Officer

Power or Duty Delegated

Pursuant to s45 of the Cat Act 2011 the Chief Executive Officer delegates and/or authorises the:

1. Customer Services Officer, Telephonist, Rates Officer, Accounts Officer and Records Officer as Registration Officers to perform the functions for Registration related matters in accordance with s9, 10, 11, 12, 13 of the Cat Act 2011.
2. Executive Manager Works and Services and Ranger to perform the functions for Cat Control Notices and Seizures in accordance with s26, 27 of the Cat Act 2011.
3. Executive Manager Works and Services and Ranger to perform the functions in relation to Cat Breeding in accordance with s37, 38, 39, 40 of the Cat Act 2011.
4. Executive Manager Works and Services and Ranger as Authorised Persons for the purposes of s48, 49, 62, 63 of the Cat Act 2011.
5. Executive Manager Works and Services and Ranger to grant extensions of time in accordance with s64 of the Cat Act 2011.

Conditions

1. In accordance with s48(5) each authorised person appointed in 4 above, must have a certificate stating the employee is an authorised person for the purpose of this Act.
2. Pursuant to s48(2) only an employee of the Shire can be appointed under s62.

Relevant Council Policies

There are no Council Policies relating to this delegation.

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)

~~Cameron Woods~~ Gary Clark

Chief Executive Officer

3.5 Dog Act – General Delegations

Reference	Legislative Reference	Delegate/Appointee	Title
Previously LG049	s10AA(1), s10AA(3) Dog Act 1976 Dog Regulations 2013	Chief Executive Officer	Dog Act and Keeping of Dogs Local Law - General Delegation

Delegator/Appointer

Council

Power or Duty Delegated

Pursuant to s10AA(1) of the Dog Act 1976 the Chief Executive Officer is delegated all powers and duties of the Shire under the Dog Act 1976 and regulations and the Shire's Dogs Local Law.

Pursuant to s10AA(3) of the Dog Act 1976 the Chief Executive Officer is specifically authorised to sub delegate any and all of these powers and duties to other Shire employees or other persons.

Conditions

Must comply with relevant Council Policies.

Cannot delegate authority to commence enforcement proceedings at s44 of the Dog Act 1976.

Relevant Council Policies

Keeping of Dogs Within townsites
Release of Impounded Animals

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

3.5A Dog Act – General Delegations – Sub Delegation and Appointment Instrument

Reference	Legislative Reference	Delegate/Appointee	Title
	s12A, s14, s29, s38, s39, s43, s47, s12A, s16(2), s16(3A), s16(3), s16(3c), s16(6), s26, s33E, s33F, s33G, s33H, s39, s43A of Dog Act 1976	Authorised Persons Executive Manager Works and Services Ranger	Dog Act and Local Law - Appointment of Authorised Persons and Registration Officers Registration and related matters
	s12A, s14, s29, s38, s39, s43, s47, s12A, s16(2), s16(3A), s16(3), s16(3c), s16(6), s26, s33E, s33F, s33G, s33H, s39, s43A of Dog Act 1976	Registration Officers Customer Service Officer Telephonist Rates Officer Accounts Officer	Dog Act and Local Law - Appointment of Authorised Persons and Registration Officers Registration and related matters
	s12A, s14, s29, s38, s39, s43, s47, s12A, s16(2), s16(3A), s16(3), s16(3c), s16(6), s26, s33E, s33F, s33G, s33H, s39, s43A of Dog Act 1976	Specifically Authorised Persons Executive Manager Works and Services	Dangerous dogs and applications for the keeping of dogs within and outside of a townsite.

Delegator/Appointer

Chief Executive Officer

Power or Duty Delegated

Pursuant to s10AA(1) of the Dog Act 1976 the Chief Executive Officer has been delegated all powers and duties of the local government. Pursuant to s10AA(3) of the Dog Act 1976 the Chief Executive Officer is specifically authorised to sub delegate any and all of these powers and duties to other employees

The Chief Executive Officer:

1. Appoints the Executive Manager Works and Services and Ranger as Authorised Persons, and to exercise delegations under the following sections of the Dog Act 1976:
 - s12A Entry to premises;
 - s14 Registration;
 - s29 Power to seize dogs;
 - s33G Seizure and destruction;
 - s38 Nuisance dogs;
 - s39 Dogs causing injury or damage may be destroyed;
 - s43A Name and address to be supplied for an offence; and
 - s47 Recovery of veterinary service expenses.
2. Appoints the Executive Manager Works and Services and Ranger to undertake the powers of an authorised person under the Dog Act 1976 and the Dog Regulations 2013 for all sections not mentioned in 1 above or 3 below.
3. Appoints the Executive Manager Works and Services as Specifically Authorised Person:

s26 (and Shire of Plantagenet Dogs Local Law 2008) Limitation as to numbers;

s33E Dangerous dogs;

s33F Dangerous dogs;

s33G Dangerous dogs;

s33H Dangerous dogs;

s39 Dogs causing injury or damage may be destroyed; and

s43A Name and address to be supplied for an offence.

4. Appoints the Executive Manager Works and Services, Ranger and Customer Service Officers, Telephonist, Rates Officer, Accounts Officer and Records Officer as Registration Officers under the following sections of the Dog Act 1976:

s14 Register of dogs; and

s16(2), s16(3A), s16(3), s16(3c), s16(6) Registration

Conditions

Must comply with relevant Council Policies.

Relevant Council Policies

Keeping of Dogs Within Townsites

Release of Impounded Animals

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)

~~Gameron Woods~~ Gary Clark

Chief Executive Officer

3.6 Graffiti Vandalism Act – General Delegation

Reference	Legislative Reference	Delegate/Appointee	Title
	s16(1) Graffiti Vandalism Act 2016	Chief Executive Officer	General Delegation – Graffiti Vandalism Act

Delegator/Appointer

Council

Power or Duty Delegated

Pursuant to s16(1) Graffiti Vandalism Act 2016 the Chief Executive Officer is delegated all powers and duties of the Local Government under the Graffiti Vandalism Act 2016.

Conditions

In accordance with s17(1) of the Graffiti Vandalism Act 2016, the Chief Executive Officer may only sub delegate to an employee of the Shire.

The Chief Executive Officer may not sub delegate authority to commence enforcement proceedings.

The Chief Executive Officer may not delegate authority to deal with Objections pursuant to s20, s21 and s22 of the Graffiti Vandalism Act 2016.

Must comply with relevant Council Policies.

Relevant Council Policies

Arson and Vandalism Reward

Review Requirements

To be reviewed at least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

3.6A Graffiti Vandalism Act - Sub Delegation and Appointment Instrument

Reference	Legislative Reference	Delegate/Appointee	Title
	s18, s19, s25, s26, s27, s28, s29, s30 Graffiti Vandalism Act 2016	Executive Manager Works and Services Ranger	Giving Notices Additional Powers Graffiti removal Powers of Entry Procedures Notice of Entry Entry under Warrant Purpose of Entry

Delegator/Appointer

Chief Executive Officer

Power or Duty Delegated

Pursuant to s16(1) Graffiti Vandalism Act 2016 the Chief Executive Officer has been delegated all powers and duties of the local government. Pursuant to s17(1) Graffiti Vandalism Act 2016 the Chief Executive Officer delegates:

The Executive Manager Works and Services and Ranger to exercise the powers and duties of the Shire under the following sections of the Graffiti Vandalism Act 2016:

- s18 Giving Notices;
- s19 Additional Powers;
- s25 Graffiti removal;
- s26 Powers of Entry;
- s27 Procedures;
- s28 Notice of Entry;
- s29 Entry under Warrant; and
- s30 Purpose of Entry.

Conditions

Must comply with relevant Council Policies.

Relevant Council Policies

Arson and Vandalism Reward

Review Requirements

To be reviewed at least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)

~~Cameron Woods~~ Gary Clark

Chief Executive Officer

3.7 Impounding Abandoned Vehicles and Goods

Reference	Legislative Reference	Delegate/Appointee	Title
	s3.39, s3.40A(1), s3.40A(4), s3.42, s3.43, s3.44, s3.46, s3.47(1), s3.47(2) s3.47(2a) s3.47A, s3.48 of the Local Government Act 1995	Chief Executive Officer	Impounding abandoned vehicle wrecks and goods involved in certain contraventions

Delegator/Appointer

Council, pursuant to s5.42 Local Government Act 1995

Power or Duty Delegated

The Chief Executive Officer is delegated authority to exercise the powers and duties of the Shire in respect to:

1. Remove and impound any goods that are involved in a contravention that can lead to impounding in accordance with s3.39.
2. Impound abandoned vehicle wrecks in accordance with s3.40A(1), s3.40A(4).
3. Take appropriate action in respect to impounded non-perishable goods in accordance with s3.42 and s3.43.
4. Give notice in accordance with s3.44 to collect goods.
5. Refuse to allow goods to be collected until all costs have been paid in accordance with s3.46.
6. Sell or dispose of confiscated or uncollected goods in accordance with s3.47(1) (2) and s3.47(2)(a)
7. Disposal of sick or injured animals in accordance with s3.47A.
8. Take action to recover expenses in accordance with s3.48.

Conditions/Notes

There are no additional conditions or notes relating to this delegation

Relevant Council Policies

There are no Council Policies relating to this delegation

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)

Chris Pavlovich
Shire President

3.7A Impounding Abandoned vehicles and goods -Sub Delegation Instrument

Reference	Legislative Reference	Delegate/Appointee	Title
	s3.39, s3.40A(1), s3.40A(4), s3.42, s3.43, s3.44, s3.46, s3.47(1), s3.47(2) s3.47(2a) s3.47A, s3.48 Local Government Act 1995	Executive Manager Works and Services Ranger	Impounding abandoned vehicle wrecks and goods involved in certain contraventions

Delegator/Appointer

Chief Executive Officer, pursuant to s5.44 Local Government Act 1995

Power or Duty Delegated

Executive Manager Works and Services and Ranger are delegated authority to exercise the powers and duties of the Shire in respect to:

1. Remove and impound any goods that are involved in a contravention that can lead to impounding in accordance with s3.39.
2. Impound abandoned vehicle wrecks in accordance with s3.40A(1), s3.40A(4).
3. Take appropriate action in respect to impounded non-perishable goods in accordance with s3.42 and s3.43.
4. Give notice in accordance with s3.44 to collect goods.
5. Refuse to allow goods to be collected until all costs have been paid in accordance with s3.46.
6. Sell or dispose of confiscated or uncollected goods in accordance with s3.47(1) (2) and s3.47(2)(a)
7. Disposal of sick or injured animals in accordance with s3.47A.
8. Take action to recover expenses in accordance with s3.48.

Conditions/Notes

There are no additional conditions or notes relating to this delegation.

Relevant Council Policies

There are no Council Policies relating to this delegation.

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)

~~Cameron Woods~~ Gary Clark

Chief Executive Officer

3.8 Liquor Licensing and Control

Reference	Legislative Reference	Delegate/Appointee	Title
Previously LG040	s39, s40 Liquor Control Act 1988 Licensing Act 1988	Chief Executive Officer Executive Manager Development Services Environmental Health Officer Senior Planner	Liquor Licensing and Control

Delegator/Appointer

Council

Power or Duty Delegated

The Chief Executive Officer, ~~Executive~~ Manager Development Services, Environmental Health Officer and Senior Planner are delegated the administration and discharge of the Shire of Plantagenet's duties under the Liquor Control Act 1988 as below:

1. Enforce all local authority responsibilities under the liquor Licensing Act 1988 and Liquor Control Act 1988 pursuant to s39 and s40 of the Liquor Control Act 1988;
2. Issue a s39 certificate; and
3. Issue a s40 certificate.

Conditions/Notes

Enforcement (1) is subject to compliance with the Town Planning Scheme No.3

Relevant Council Policies

There are no council Policies relating to this delegation.

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)

Chris Pavlovich
Shire President

3.9 Local Laws

Reference	Legislative Reference	Delegate/Appointee	Title
Previously LG023	s3.12(3), s3.12(5), s3.12(6), s3.15, 3.16(2), 3.16(3) Local Government Act 1995	Chief Executive Officer	Local Laws - Execute powers and duties of the Shire under Local Laws under Part 3 of the Local Government Act.

Delegator/Appointer

Council, pursuant to s5.42 Local Government Act 1995

Power or Duty Delegated

The Chief Executive Officer is delegated authority to determine applications received by the Shire in accordance with a Local Law made by the Shire of Plantagenet in accordance with Subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995 and to enforce the provisions of those local laws and to otherwise exercise the powers and discharge the duties of the local government under those local laws.

Conditions/Notes

Must comply with relevant Council Policies.

Relevant Council Policies

Legislative Compliance

Review Requirements

At least once every financial year.

Review Date

~~23 May 2023~~ June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

3.9A Local Laws - Sub Delegation

Reference	Legislative Reference	Delegate/Appointee	Title
Previously LG023	s3.12(3), s3.12(5), s3.12(6), s3.15, 3.16(2), 3.16(3), 3.16(5) Local Government Act 1995	Deputy Chief Executive Officer Executive Manager Works and Services Executive Manager Development Services Principal Building Surveyor Senior Planner Environmental Health Officer <u>Compliance Officer</u>	Local Laws - Execute powers and duties of the local government under Local Laws made under Part 3 of the Local Government Act.

Delegator/Appointer

Chief Executive Officer, pursuant to s5.44 Local Government Act 1995

Power or Duty Delegated

The Deputy Chief Executive Officer, Executive Manager Works and Services, ~~Executive~~ Manager Development Services, Principal Building Surveyor, Senior Planner, ~~and~~ Environmental Health Officer and Compliance Officer are delegated authority to determine applications received by the Shire in accordance with a Local Law made by the Shire of Plantagenet in accordance with Subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995 and to enforce the provisions of those local laws and to otherwise exercise the powers and discharge the duties of the local government under those local laws.

Conditions/Notes

Must comply with relevant Council Policies.

Relevant Council Policies

Legislative Compliance

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)

~~Cameron Woods~~ Gary Clark
Chief Executive Officer

3.10 Fines, Penalties and Infringement Notices Enforcement Act 1994 – Appointment of Prosecution Officers

Reference	Legislative Reference	Delegate/Appointee	Title
	Section 13(2), Section 16 and Section 22 Fines, Penalties and Infringement Notices Enforcement Act 1994	Chief Executive Officer	Appointment of Designated Officers (also known as Prosecution Officers) under the Fines, Penalties and Infringement Notices Enforcement Act 1994.

Delegator/Appointer

Council

Power or Duty Delegated

The Chief Executive Officer is delegated authority to appoint Designated Officers for the purposes of the Fines, Penalties and Infringement Notices Enforcement Act 1994, Section 13(2), administer the issuing of, and any subsequent proceedings in relation to, the notice.

Conditions/Notes

Appointed Designated Officers give written notice of their designated authority to the Registrar.

Appointed Designated Officers hold a Certificate of Appointment.

Must comply with relevant Council Policies.

Relevant Council Policies

Debt Collection

Review Requirements

At least once every financial year.

Review Dates

23 May 2023 1 June 2024

Authority

..... (signature) (date)

Chris Pavlovich
Shire President

3.10A Fines, Penalties and Infringement Notices Enforcement Act 1994 – Appointment of Prosecution Officers

Reference	Legislative Reference	Delegate/Appointee	Title
	s13(2), s16 and s22 Fines, Penalties and Infringement Notices Enforcement Act 1994	Deputy Chief Executive Officer Senior Finance Officer Accounts Officer	Designated Officers (also known as Prosecution Officers) under the Fines, Penalties and Infringement Notices Enforcement Act 1994.

Delegator/Appointer

Chief Executive Officer

Power or Duty Delegated

Designated Officers are nominated as Prosecution Officers for the purposes of the Fines, Penalties and Infringement Notices Enforcement Act 1994, s13(2), administer the issuing of, and any subsequent proceedings in relation to, the notice.

1. For the purpose of this Part, the Registrar may approve a prosecuting authority as a prosecuting authority to which this part applies.
2. The Registrar is not to approve a prosecuting authority unless the authority gives the Registrar written notice of those officers of the authority that are designated as prosecuting officers for the purposes of and in accordance with Section 16 and 22.
3. A prosecuting authority at any time may amend the written notice of designated prosecuting officers.

In relation to local laws the designation allows:

- a) Signing of Enforcement Certificates to initiate prosecution (Section 16)
- b) Signing of Withdrawal of Proceedings Notices (Section 22) for those matters already registered with Fines Enforcement.

Conditions/Notes

Copies of all decisions made are to be retained on the appropriate file or record.

Must comply with relevant Council Policies.

Relevant Council Policies

Debt Collection

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)

~~Cameron Woods~~ Gary Clark

Chief Executive Officer

4. HEALTH

4.1 Environmental Protection Act 1986 – Designation of Authorised Officers

Reference	Legislative Reference	Delegate/Appointee	Title
	S79, s87/s88 Environmental Protection Act 1986	Environmental Health Officer <u>Compliance Officer</u>	Environmental Protection Act - Appointment of Authorised Person and delegations to perform duties, functions and powers.

Delegator/Appointer

Council

Power or Duty Delegated

Pursuant to s87 and s88 of the Environmental Protection Act 1986 the Council delegates the following powers and duties:

Appoints the Environment Health Officer and Compliance Officer to undertake duties and functions as an authorised person and inspector in relation to:

- s79 – Unreasonable noise emissions on premises (Noise)

Conditions

A prosecution for an offence under s79 (Noise) may be instituted by the Chief Executive Officer of a local government, acting with the consent of the CEO of the Department of Environment Regulation.

The appointment is valid until the date of cessation of the inspector and authorised person's employment with the local government employing authority.

Relevant Council Policies

There are no Council Policies relating to this delegation.

Review Requirements

At least once every financial year.

Review Dates

24 May 2023 1 June 2024

Authority

..... (signature) (date)

Chris Pavlovich
Shire President

4.2 Food Act - General Delegation and Appointment

Reference	Legislative Reference	Delegate/Appointee	Title
Previously LG044	s38, s62, s65, s110, s112, s122, s126 Food Act 2008	Executive Manager Development Services Environmental Health Officer	Food Act 2008 - Appointment of Authorised Persons and delegations to perform duties, functions and powers.
Previously LG044	s66, s67 Food Act 2008	Executive Manager Development Services	Request for re inspection
Previously LG044	s125, s126(13) Food Act 2008	Chief Executive Officer	Commence proceedings and Designated Person – Food Act 2008

Delegator/Appointer

Council

Power or Duty Delegated

Pursuant to s118 of the Food Act 2008 the Council delegates the following powers and duties:

1. Appoints the ~~Executive~~ Manager Development Services and Environmental Health Officer as Authorised Persons and to undertake duties and functions in relation to:
 - s38 - Powers of Authorised Officers
 - s62 - Grounds for servicing Notices
 - s65 - Prohibition Orders
 - s110 - Registration of food premises
 - s112 - Food businesses – conditions and cancellations
 - s122 - Authorised officers
 - s126 - Infringement Notices.
2. Appoints the ~~Executive~~ Manager Development Services as an Authorised Person to undertake duties and functions in relation to:
 - s66, s67 Requests for re-inspection.
3. Appoints the Chief Executive Officer as an Authorised Person to undertake duties and functions in relation to:
 - s125 - Instituting proceedings
 - s126(13) The Chief Executive Officer is to be the Designated Officer.

Conditions/Notes

There are no additional conditions or notes relating to this delegation

Relevant Council Policies

There are no Council Policies relating to this delegation.

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

4.3 Health (Miscellaneous Provisions) Act 1911 – Various Functions – Delegation, Appointment and Authorisation

Reference	Legislative Reference	Delegate/Appointee	Title
Previously LG036	s26 Health (Miscellaneous Provisions) Act 1911 and Regulations	Executive Manager Development Services Environmental Health Officer (limited)	Health (Miscellaneous Provisions) Act 1911 - Appointment of Deputy
	s26 Health (Miscellaneous Provisions) Act 1911 and Health Local Law	Chief Executive Officer Executive Manager Development Services Environmental Health Officer	Health Local Law - Appointment of Authorised Persons. Health Local Law - Exercise and discharge all of the powers and functions.

Delegator/Appointer

Council

Power or Duty Delegated

Pursuant to s26 Health (Miscellaneous Provisions) Act 1911 the Chief Executive Officer, ~~Executive~~ Manager Development Services and Environmental Health Officer are delegated all the powers and functions of the Shire under the Health Local Law.

Pursuant to s26 Health (Miscellaneous Provisions) Act 1911 the Chief Executive Officer, ~~Executive~~ Manager Development Services and Environmental Health Officers are appointed as Authorised Persons under the Health Local Law.

Pursuant to s26 Health (Miscellaneous Provisions) Act 1911, the Chief Executive Officer, ~~Executive~~ Manager Development Services, and Environmental Health Officers are appointed to be the Shire's deputies for the purpose of discharging its powers and functions as a local government under the Health (Miscellaneous Provisions) Act 1911 and all Regulations made under the Health (Miscellaneous Provisions) Act 1911 (except the power to commence legal action which is delegated solely to the Chief Executive Officer).

This includes:

- Part IV Division 4 Sanitary conveniences
- Part V Dwellings
- Part VI Public Buildings
- Part VII Nuisances and offensive trades,
- Part IX Infectious Diseases.

Pursuant to s26 Health (Miscellaneous Provisions) Act 1911 the Chief Executive Officer is authorised to sign such documents and initiate legal action on behalf of

the local government in relation to the Health (Miscellaneous Provisions) Act, subsidiary legislation and the Shire's Health Local Law. This includes:

- Part IV Division 4 Sanitary conveniences
- Part V Dwellings
- Part VI Public Buildings
- Part VII Nuisances and offensive trades
- Part IX Infectious Diseases.

The Shire's Environmental Health Officer may only:

- Serve Health Orders in connection with requirements and repairs to businesses, shops and dwellings in accordance with the provisions of s354 of the Health (Miscellaneous Provisions) Act 1911
- Sign and issue licences and registrations issued under the Health (Miscellaneous Provisions) Act 1911
- Enter premises under s349 of the Health (Miscellaneous Provisions) Act, and to administer the provisions of the Fly Eradication Regulations.

Conditions

1. Only the Chief Executive Officer may commence legal proceedings under the Health Act.
2. Setting of annual fees under s6.16 and 6.19 of the Local Government Act 1995 is excluded.
3. Part IV Divisions 4 and 7 - Authority is limited to the forming of opinion and issuing notices, requisitions, directions and orders and does not include the carrying out or causing to be carried out, of works in default of duly served notices, the undertaking or contracting of works, the provision of sanitary conveniences.
4. Part V Division 1 - Authority is limited to the forming of opinions and issuing notices and directions and does not include the carrying out, or the arranging for the carrying out, of works in default of duly served notices.
5. Part VII Division 1 - Authority extends to the issue of requisitions and, in the case of default, the causing of requisite work to be done.
6. Delegations with respect to the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 includes the approval of applications for effluent disposal systems and issue permits to use effluent disposal systems.

Relevant Council Policies

There are no Council Policies relating to this delegation.

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

4.4 Public Health Act 2016 – Designation of Authorised Officers

Reference	Legislative Reference	Delegate/Appointee	Title
	s24, s27, s30, s312 Public Health Act 2016	Chief Executive Officer	Designation of Authorised Officers

Delegator/Appointer

Council pursuant to s21 of the Public Health Act

Power or Duty Delegated

The Chief Executive Officer is delegated authority to designate a person or class of persons as authorised officers under s24 of the Public Health Act 2016.

Conditions

Must operate in accordance with the conditions within the Shire of Plantagenet Health Local Law 2008.

A list of all officers designated as authorised officers must be kept and maintained in accordance with s27 of the Public Health Act 2016.

Each person who is designed as an authorised officer must be issued with certificate of authority as an authorised officer in accordance with s30 of the Public Health Act 2016.

Relevant Council Policies

There are no Council Policies relating to this delegation.

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

4.5 Permits for Stallholder, Trader and/or Outdoor Eating Facilities

Reference	Legislative Reference	Delegate/Appointee	Title
Previously LG039	s.5.42 Local Government Act 1995 Activities in Thoroughfares and Public Places and Trading Local Law 2008	Chief Executive Officer	Permits for Stallholder, Trader and/or Outdoor Eating Facility

Delegator/Appointer

Council

Power or Duty Delegated

The Chief Executive Officer is delegated authority for the determination of applications for new permits or renewal of permits for the activity of a stallholder, trader and/or an outdoor eating facility.

Conditions

Must operate in accordance with the conditions within the Activities in Thoroughfares and Public Places and Trading Local Law 2008.

Must comply with relevant Council Policies.

Relevant Council Policies

Use of a Circus Venue

Trading in Public Places

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

4.5A Permits for Stallholder, Trader and/or Outdoor Eating Facility - Sub Delegation

Reference	Legislative Reference	Delegate/Appointee	Title
	s.5.44 Local Government Act 1995 Activities in Thoroughfares and Public Places and Trading Local Law 2008	Executive Manager Development Services Environmental Health Officer	Permits for Stallholder, Trader and/or Outdoor Eating Facility

Delegator/Appointer

Chief Executive Officer

Power or Duty Delegated

The ~~Executive~~ Manager Development Services and the Environmental Health Officer is delegated authority for the determination of applications for new permits or renewal of permits for the activity of a stallholder, trader and/or an outdoor eating facility.

Conditions

Must operate in accordance with the conditions within the Activities in Thoroughfares and Public Places and Trading Local Law 2008.

Must comply with relevant Council Policies.

Relevant Council Policies

Use of a Circus Venue
Trading in Public Places

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)

~~Cameron Woods~~ Gary Clark
Chief Executive Officer

5. ENGINEERING

5.1 Closures of Streets, Thoroughfares, Control of Reserves and unvested facilities

Reference	Legislative Reference	Delegate/Appointee	Title
	s81(c)(2)(b) Road Traffic Act 1974 and Road Traffic (Events on Roads) Regulations 1991.	Chief Executive Officer	Closure of streets, temporary closure of thoroughfares to vehicles and road closures for events.
	s3.50(1), s3.50(1a), s3.50(4), s3.50(5), s3.50(6), s3.50A, s3.51(3), s3.52, s3.53, s3.54, Sch 3.1, Division 2 Local Government Act 1995		Public Thoroughfares – Public Use and Plans.
	r6(3) Local Government (Functions and General) Regulations 1996		Control of Reserves and unvested facilities
	s12, s13, s15 Local Government (Uniform Local Provisions) Regulations 1996		Crossing from public thoroughfare to private land or private thoroughfare (vehicle crossovers)

Delegator/Appointer

Council

Power or Duty Delegated

The Chief Executive Officer is delegated authority to exercise the powers and discharge the duties of the Shire regarding closing certain thoroughfares to vehicles and partial closure of thoroughfare for repairs or maintenance and temporary closures (including revocation of Orders) for events in accordance with s3.50, s3.50(1), s3.50(1a), s3.50(4), s3.50(5), s3.50(6), s3.50A Local Government Act, r6(3) Local Government (Functions and General) Regulations 1996, s81(c)(2)(b) Road Traffic Act 1974 and Road Traffic (Events on Roads) Regulations 1991 (where relevant).

The Chief Executive Officer is delegated authority to give the required notices as specified in s3.51(3) before fixing or altering the level of, or the alignment of a public thoroughfare and before draining water from a public thoroughfare or other public place onto adjoining land.

The Chief Executive Officer is delegated authority to:

1. Ensure that public thoroughfares are kept open for public use as required under s3.52(2) of the Act.
2. In fixing or altering the level of, or the alignment of a public thoroughfare, ensure that access by vehicle to land adjoining the thoroughfare can be reasonably provided in accordance with s3.52(3).
3. Keep plans of the levels and alignments of public thoroughfares that are under the Council's control or management and make those plans available for public

- inspection in accordance with s3.52(4).
4. Control and manage otherwise unvested facilities within the Shire in accordance with s3.53 of the Local Government Act.
 5. Control and manage land that is vested to the Shire in accordance with s3.54 of the Local Government Act.
 6. Approve the construction of a crossing (vehicle crossover) giving access from a public thoroughfare to:
 - i) the land; or
 - ii) a private thoroughfare serving the land;
 in accordance with Regulations 12, 13 and 15 of the Local Government (Uniform Provisions) Regulations 1996.

Conditions/Notes

Temporary closure of streets must not exceed 28 days.

The Chief Executive Officer, or any employee sub delegated the authority must ensure any applicant has obtained relevant Police approval and provided appropriate indemnities and insurance cover.

Where exercising powers and duties pursuant to s3.50, the following conditions apply:

1. Sufficient measures are in place to advise affected parties, minimise disruption to road users and to protect public and Shire assets.
2. Have regard to the provisions of s3.50(1).

Must comply with relevant Council Policies.

Relevant Council Policies

Vehicle Crossovers

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
 Chris Pavlovich
 Shire President

5.1A Closures of Streets, Thoroughfares, Control of Reserves and unvested facilities – Sub Delegation

Reference	Legislative Reference	Delegate/Appointee	Title
	s81(c)(2)(b) Road Traffic Act 1974 and Road Traffic (Events on Roads) Regulations 1991	Executive Manager Works and Services	Closure of streets, temporary closure of thoroughfares to vehicles and road closures for events.
	s3.50(1), s3.50(1a), s3.50(4), s3.50(5), s3.50(6), s3.50A, s3.51(3), s3.52, s3.53, s3.54, Sch 3.1, Division 2 Local Government Act 1995		Public Thoroughfares – Public Use and Plans.
	r6(3) Local Government (Functions and General) Regulations 1996		Control of Reserves and unvested facilities
	s12, s13, s15 Local Government (Uniform Local Provisions) Regulations 1996		Crossing from Public thoroughfare to private land or private thoroughfare (vehicle crossovers)

Delegator/Appointer

Chief Executive Officer

Power or Duty Delegated

The Executive Manager Works and Services is delegated authority to exercise the powers and discharge the duties of the Shire regarding closing certain thoroughfares to vehicles and partial closure of thoroughfare for repairs or maintenance and temporary closures (including revocation of Orders) for events in accordance with s3.50, s3.50(1), s3.50(1a), s3.50(4), s3.50(5), s3.50(6), s3.50A Local Government Act, r6(3) Local Government (Functions and General) Regulations 1996, s81(c)(2)(b) Road Traffic Act 1974 and Road Traffic (Events on Roads) Regulations 1991 (where relevant).

The Executive Manager Works and Services is delegated authority to give the required notices as specified in s3.51(3) before fixing or altering the level of, or the alignment of a public thoroughfare and before draining water from a public thoroughfare or other public place onto adjoining land.

The Executive Manager Works and Services is delegated authority to:

1. Ensure that public thoroughfares are kept open for public use as required under s3.52(2) of the Act.
2. In fixing or altering the level of, or the alignment of a public thoroughfare, ensure that access by vehicle to land adjoining the thoroughfare can be reasonably provided in accordance with s3.52(3).

3. Keep plans of the levels and alignments of public thoroughfares that are under the Council's control or management and make those plans available for public inspection in accordance with s3.52(4).
4. Control and manage otherwise unvested facilities within the Shire in accordance with s3.53 of the Local Government Act.
5. Control and manage land that is vested to the Shire in accordance with s3.54 of the Local Government Act.
6. Approve the construction of a crossing (vehicle crossover) giving access from a public thoroughfare to:
 - i) the land; or
 - ii) a private thoroughfare serving the land;
 in accordance with r12, r13 and r15 of the Local Government (Uniform Provisions) Regulations 1996.

Conditions

Temporary closure of streets must not exceed 28 days

The Chief Executive Officer, or any employee sub delegated the authority must ensure any applicant has obtained relevant Police approval and provided appropriate indemnities and insurance cover.

Where exercising powers and duties pursuant to s3.50, the following conditions apply:

1. Sufficient measures are in place to advise affected parties, minimise disruption to road users and to protect public and Shire assets; and
2. Have regard to the provisions of s3.50(1).

Must comply with relevant Council Policies.

Relevant Council Policies

Vehicle Crossovers

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
~~Gameron Woods~~ Gary Clark
 Chief Executive Officer

5.2 Approval of Works Orders to Public Utility Service Authorities

Reference	Legislative Reference	Delegate/Appointee	Title
	S3.25(1)(b), Sch 3.1 Local Government Act 1995	Chief Executive Officer	Approval of Works Orders and Authority to Public Utility Service Authorities
	r.5(1) Local Government (Uniform Local Provisions) Regulations 1996	Executive Manager Works & Services	

Delegator/Appointer

Council

Power or Duty Delegated

Pursuant to s3.25(1)(b) and Schedule 3.1 of the Local Government Act 1995 the Council delegates the following powers and duties:

Appoints the Chief Executive Officer and Executive Manager Works & Services to:

1. Interfere with soil or take anything from local government land in accordance with the Local Government (Uniform Local Provisions) Regulations 1996 and s3.25(1)(b) of the Act.
2. Approve and issue works orders to public utility service authorities for service modifications or upgrading associated approved projects.
3. Authorise persons to administer any or all of the above functions.

Conditions

Must comply with relevant Council Policies.

Relevant Council Policies

Rural Road Verge Vegetation Management.
Notice of Entry for Public Services and Utilities.

Review Requirements

At least once every financial year.

Review Dates

24 May 2023 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

5.3 Gate Permits

Reference	Legislative Reference	Delegate/Appointee	Title
Previously Lg009	r9, r11(1) Local Government Uniform Local Provisions) Regulations 1996	Chief Executive Officer	Gate Permits – Applications for permits to erect gates across public thoroughfares under Council control or management.

Delegator/Appointer

Council, pursuant to s5.42 Local Government Act 1995

Power or Duty Delegated

The Chief Executive Officer is delegated authority to determine applications for permission to erect gates or other devices across public thoroughfares under Council control or management to enable traffic to pass across the public thoroughfare and prevent livestock from straying.

Conditions/Notes

There are no additional conditions or notes relating to this delegation.

Relevant Council Policies

There are no Council Policies relating to this delegation.

Review Requirements

At least once every financial year.

Review Dates

23 May 2023 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

5.3A Gate Permits – Sub Delegation

Reference	Legislative Reference	Delegate/Appointee	Title
Previously Lg009	r9, r11(1) Local Government Uniform Local Provisions) Regulations 1996	Executive Manager Works and Services	Gate Permits – Applications for permits to erect gates across public thoroughfares under Council control or management.

Delegator/Appointer

Council, pursuant to s5.42 Local Government Act 1995

Power or Duty Delegated

The Executive Manager Works and Services is delegated authority to determine applications for permission to erect gates or other devices across public thoroughfares under Council control or management to enable traffic to pass across the public thoroughfare and prevent livestock from straying.

Conditions/Notes

There are no additional conditions or notes relating to this delegation.

Relevant Council Policies

There are no Council Policies relating to this delegation.

Review Requirements

At least once every financial year.

Review Dates

23 May 2023 1 June 2024

Authority

..... (signature) (date)

Cameron Woods
Chief Executive Officer

5.4 Roads – Heavy Vehicle Access

Reference	Legislative Reference	Delegate/Appointee	Title
Previously LG021	s5.42, s5.44 Local Government Act 1995	Chief Executive Officer	Roads – Heavy Vehicle Access

Delegator/Appointer

Council

Power or Duty Delegated

The Chief Executive Officer is delegated authority to determine applications by heavy vehicle transport operators for Restricted Access Vehicle (RAV) and Accredited Mass Management Scheme (AMMS) Networks to access roads managed and maintained by the Council.

Conditions/Notes

The Council supports 'as of right' vehicles as defined by Main Roads WA (MRWA) or approved RAV routes, except where roads are closed for safety reasons.

Must comply with relevant Council Policies.

Relevant Council Policies

Roads – Heavy Vehicle Access

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

5.4A Roads – Heavy Vehicle Access – Sub Delegation

Reference	Legislative Reference	Delegate/Appointee	Title
	s5.42, s5.44 Local Government Act 1995	Executive Manager Works and Services	Roads – Heavy Vehicle Access

Delegator/Appointer

Chief Executive Officer

Power or Duty Delegated

The Executive Manager Works and Services is delegated authority to determine applications by heavy vehicle transport operators for Restricted Access Vehicle (RAV) and Accredited Mass Management Scheme (AMMS) Networks to access roads managed and maintained by the Council.

Conditions/Notes

The Council supports 'as of right' vehicles as defined by Main Roads WA (MRWA) or approved RAV routes, except where roads are closed for safety reasons.

Relevant Council Policies

Roads – Heavy Vehicle Access

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)

~~Cameron Woods~~ Gary Clark

Chief Executive Officer

5.5 Street Alignment and Related Matters

Reference	Legislative Reference	Delegate/Appointee	Title
	Part XII s364 Local Government (Miscellaneous Provisions) Act 1960	Chief Executive Officer	Street alignments and related matters

Delegator/Appointer

Council, pursuant to s5.42 Local Government Act 1995.

Power or Duty Delegated

The Chief Executive Officer is delegated the powers, duties and functions of the Shire pursuant to Part XII of the Local Government (Miscellaneous Provisions) Act 1960.

Conditions

There are no additional conditions or notes relating to this delegation.

Relevant Council Policies

There are no Council Policies relating to this delegation.

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

6. BUILDING

6.1 Building Act and Regulations – Powers, Duties and Functions

Reference	Legislative Reference	Delegate/Appointee	Title
Previously LG045	s96(3), s127 Building Act 2011 Building Regulations 2012 Local Government (Building Surveyors) Regulations 2008 Building Services (Registration) Act 2011 s5.36 Local Government Act 1995	Chief Executive Officer	Building Act and Regulations - Powers, duties and functions.

Delegator/Appointer

Council

Power or Duty Delegated

Pursuant to s96 of the Building Act 2011 the Chief Executive Officer is delegated the authority to appoint authorised persons for the purposes of the Building Act 2011 and the Building Regulations 2012 in relation to buildings and incidental structures located, or proposed to be located in the Shire's district.

Pursuant to s127 the Chief Executive Officer is delegated all the powers and duties of the Shire under the Building Act and Regulations and is authorised to take legal proceedings pursuant to s133 of the Act in relation to both the Act and Regulations.

These delegations include the powers and duties specified at:

- s18 – request further information
- s20 – to approve, or refuse to approve a certified or uncertified application for a building permit
- s21 & 22 – to approve, or refuse to approve an application for a demolition permit
- s27 – conditions imposed
- s55 – request supplementary information
- s58 – to approve, modify or refuse to approve an application for an occupancy permit or approve or refuse to approve an application for a building approval certificate
- s60 – Notice of Decision not to grant occupancy permit or building approval certificate
- s62 – to impose conditions on an occupancy permit or modification of a building approval certificate
- s65 – to approve, or refuse to approve an application to extend the time in which an occupancy permit or modification or building approval certificate has effect
- s76 – to give consent for encroachments on Crown land under the care, control and maintenance of the Shire

- s93(2) d – arrange for inspections or testing
- s96 – Authorised Persons
- s110 – to make a Building Order in relation to building work, demolition work and/or, an existing building or incidental structure, whether completed before, or after commencement day
- s111 – Notice of proposed Building Order
- s114 – serve a building order
- s117 – revoke a building order
- s118(2), (3) – take action in relation to non-compliance with building orders and recover costs
- s131 – Inspection of Building Records for a Fee.

Conditions

1. Sub delegation may only be to employees of the Shire (s127(3)).
2. This delegation includes the power to serve notice on the builder or owner requiring alterations to a building, or in relation to encroachments, pursuant to s189, s190 of the Building Act 2011. These powers cannot be sub delegated.
3. In undertaking the functions of this delegation, Building Surveyors (registered) must be employed by the Shire of Plantagenet in accordance with s5.36 of the Local Government Act 1995; and with respect to uncertified applications, hold the appropriate ~~qualification as set out under r6 of the Local Government (Building Surveyors) Regulations 2008~~ registration of building service practitioners as set out under s.17 of the Building Services (Registration) Act 2011.
4. In relation to s21 this sub delegation does not apply to places listed on the State's Register of Heritage Places or the Council's Heritage Register or to places classified by the National Trust.
5. Must observe s100(2) of the Building Act 2011 in relation to entry to private residence.
6. In relation to s110 this delegation permits a sub delegate to determine that an Order is to remain in effect in accordance with s117(2) of the Building Act 2011 where it is considered appropriate.

Must comply with relevant Council Policies.

Relevant Council Policies

Housing – Relocation of Houses

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

6.1A Building Act and Regulations – Powers, Duties and Functions

Sub Delegation and authorisations

Reference	Legislative Reference	Delegate/Appointee	Title
	s18, s20, s21, s22, s27, s55(2), s58, s60, s62, s65, s76, s93(2)(d), s96, s110, s111, s114, s117, s118(2)(3), s131 Building Act 2011 r14, r51, r53, r61, r62, r65 of Building Regulations 2012	Executive Manager Development Services Principal Building Surveyor Environmental Health Officer <u>Compliance Officer</u>	Building Act - Appointment of Authorised Persons and delegation of powers, duties and functions.

Delegator/Appointer

Chief Executive Officer

Power or Duty Delegated

Pursuant to s127(6A) of the Building Act 2011 the Chief Executive Officer delegates the following powers and duties under the Building Act 2011:

s18, s20, s21, s22, s27, s55, s58, s60, s62, s65, s76, s93(2)(d), s96, s110, s111, s114, s117, s118(2)(3), s131 Building Act 2011 - ~~Executive~~ Manager Development Services, Principal Building Surveyor, Environmental Health Officer and Compliance Officer.

r14, r51, r53, r61, r62, ~~r65~~ of Building Regulations 2012 - ~~Executive~~ Manager Development Services, Principal Building Surveyor, Environmental Health Officer

Conditions

1. In undertaking the functions of this delegation, Building Surveyors (registered) must be employed by the Shire of Plantagenet in accordance with s5.36 of the Local Government Act 1995 and as defined in the Building Act 2011 Part 1. 3.
2. In relation to s21 this sub delegation does not apply to places listed on the State's Register of Heritage Places or the Council's Heritage Register, or to places classified by the National Trust.
3. Must observe s100(2) of the Building Act 2011 in relation to entry to private residence.
4. In relation to s110 this sub delegation permits the sub delegate to determine that an order is to remain in effect in accordance with s117(2) of the Building Act 2011 where it is considered appropriate.

Must comply with relevant Council Policies.

Relevant Council Policies

Housing – Relocation of Housing

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)

~~Cameron Woods~~ Gary Clark
Chief Executive Officer

6.2 Building Act – Occupancy permits and Building approval Certificates for Strata Plans and Survey Strata Plans

Reference	Legislative Reference	Delegate/Appointee	Title
	Strata Titles Act 1985 Strata Titles Amendment Act 2019 Community Titles Regulations 2021 s127 Building Act 2011 s25 Strata Titles Act 1985 in respect of Built Strata Applications except for those applications listed as exceptions in WAPC Planning Bulletin 52/2009. Includes issue of Form 26.	Chief Executive Officer	Authority to issue occupancy permits and building approval certificates for strata plans and survey strata plans

Delegator/Appointer

Council, pursuant to s127 Building Act 2011

Power or Duty Delegated

The Chief Executive Officer is authorised to issue occupancy permits and building approval certificates for strata plans and survey strata plans as required by the Strata Titles Act 1985 and the Strata Titles Amendment Act 2018, and to make certain decisions pursuant to s25 Strata Titles Act 1985 in respect of Built Strata Applications except for those applications listed as exceptions in Western Australian Planning Commission (WAPC) Planning Bulletin 52/2009. Includes authority to issue Form 26.

Conditions

Delegation and authority does not apply to those applications that:

1. Propose the creation of a vacant lot;
2. Proposed vacant air strata's in multi-tiered strata scheme developments;
3. In the opinion of the WAPC as notified to the Shire in writing, or in the opinion of the Shire as notified to the WAPC in writing, relate to:
 - a) type of development; and/or
 - b) 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.
4. The WAPC is to be provided with data on all applications determined under this Instrument of Delegation at the conclusion of each financial year in the format prescribed by the WAPC.
5. Must comply with relevant Council Policies.

Relevant Council Policies

There are no Council Policies relating to this delegation

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)

Chris Pavlovich
Shire President

6.2A Building Permits – Authority to issue occupancy permits and building approval certificates - Sub Delegation

Reference	Legislative Reference	Delegate/Appointee	Title
	Strata Titles Act 1985	Executive Manager Development Services	Authority to issue occupancy permits and building approval certificates for strata plans and survey strata plans.
	Strata Titles Amendment Act 2019	Principal Building Surveyor	
	Community Titles Regulations 2021		
	s127(6A) Building Act 2011		

Delegator/Appointer

Chief Executive Officer, pursuant to s127(6A) Building Act 2011

Power or Duty Delegated

The ~~Executive~~ Manager Development Services and the Principal Building Surveyor are authorised to issue occupancy permits and building approval certificates for strata plans and survey strata plans as required by the Strata Titles Act 1985 and the Strata Titles Amendment Act 2018, and to make certain decisions pursuant to s25 Strata Titles Act 1985 in respect of Built Strata Applications except for those applications listed as exceptions in Western Australian Planning Commission (WAPC) Planning Bulletin 52/2009. Includes authority to issue Form 26.

Conditions

Delegation and authority does not apply to those applications that:

1. Propose the creation of a vacant lot;
2. Proposed vacant air strata's in multi-tiered strata scheme developments;
3. In the opinion of the WAPC as notified to the Shire in writing, or in the opinion of the Shire as notified to the WAPC in writing, relate to:
 - a) type of development; and/or
 - b) 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.
4. The WAPC is to be provided with data on all applications determined under this Instrument of Delegation at the conclusion of each financial year in the format prescribed by the WAPC.

Relevant Council Policies

There are no Council Policies relating to this delegation.

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)

~~Cameron Woods~~ Gary Clark

Chief Executive Officer

7. PLANNING

7.1 Local Planning Scheme No 5 – Various duties, powers and functions.

Reference	Legislative Reference	Delegate/Appointee	Title
	Planning and Development Act 2005 Schedule 2 Planning and Development (Local Planning Schemes) Regulations 2015	Chief Executive Officer	Local Planning Scheme - Delegation of duties, powers and functions.

Delegator/Appointer

Council

Power or Duty Delegated

In accordance with Clause 82 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, the Chief Executive Officer is delegated authority to perform the following functions in relation to town planning matters:

1. Endorse planning decision forms.
2. Determine 'P' (Permitted) and 'I' (Incidental) Applications for Development Approval where the proposal complies with the requirements, conditions and provisions set out in Local Planning Scheme No. 5 and any relevant Local Planning Scheme Policies.
3. Determine 'D' (Discretionary) Applications for Development Approval where the proposal is consistent with the zone objectives set out in Table 2, complies with the requirements, conditions and provisions set out in Local Planning Scheme No. 5 and any relevant Local Planning Scheme Policies.
4. Initiate advertising of 'A' (Discretionary subject to giving Notice) Applications for Development Approval where the proposal is consistent with the zone objectives set out in Table 2, complies with the requirements, conditions and provisions set out in Local Planning Scheme No. 5 and any relevant Local Planning Scheme Policies; and
Subject to no valid objections being received during the public advertising, ~~determine~~determine Applications for Development Approval ~~for Bed and Breakfast, Cellar Sales, up to four Chalets, Home Business and up to four Grouped Dwellings~~ subject to compliance with the requirements, conditions and provisions set out in Local Planning Scheme No. 5 and any relevant Local Planning Scheme Policies.
5. Determine 'Use Not Listed' Applications for Development Approval in accordance with clause 18 (4) of Local Planning Scheme No. 5, where the proposal is consistent with the zone objectives set out in Table 2, complies with the requirements, conditions and provisions set out in Local Planning Scheme No. 5 and any relevant Local Planning Scheme Policies.

6. Determine Applications in accordance with Clause 34 of Local Planning Scheme No. 5 and minor variations to boundary setback requirements, Table 7 requirements, Schedule 2 and 3 Special Provisions set out in Scheme No. 5 or relevant Local Planning Scheme Policies (where there is power to vary the standards) where such variation will not adversely impact on the amenity of adjoining properties or uses.
7. Determine Applications for Development Approval which involve ~~minor~~ variations to the 'deemed to comply' requirements of the Residential Design Codes, including retaining walls up to 1500mm in height, (where there is power to vary the standards) where the variation will not adversely impact on the amenity of surrounding properties or uses, and subject to verification that there is no objection from the owner/s of the adjoining property.
8. Determine Applications for outbuildings, which exceed (by up to 20%) a maximum floor area and/or wall height and/or ridge height specified ~~by set out~~ in Local Planning Scheme No. 5 and any relevant Local Planning Scheme Policies. On the basis that no valid planning objections have been received and that the outbuilding will not have an adverse visual impact on the amenity of the locality. The approval may include conditions which may limit the floor area, landscaping and vegetation planting or specific external colours and finishes.
9. Approve and accept tree planting and landscaping plans required as a condition of development or subdivisional approvals where the plans involve the use of local native plant and tree species or other appropriate species.
10. Approve requests to clear remnant vegetation where a condition of development or a subdivision approval requires the Council approval. Approval can be granted when the clearing is not considered to have an adverse visual or environmental impact or where it is required for fire safety reasons.
11. Determine applications for relocated houses outside of Mount Barker and the rural villages provided the relevant standards of ~~Council Policy TPS/DCC/5 (Housing – Relocation of Houses)~~ any relevant Local Planning Policies are applied.
12. Provide responses to mobile phone carriers in accordance with the Deployment of Radio Communications Code in respect to:
 - The proposed method of community consultation.
 - The installation of low impact facilities.
13. Appoint persons to initiate prosecutions and legal proceedings for breaches of the Local Planning Scheme in accordance with Part 13 of the Planning and Development Act 2005 on behalf of the Council.
14. Recommend support to the Western Australian Planning Commission for Freehold Title and Strata Title Subdivisions proposals up to 10 lots where these proposals comply with Local Planning Scheme No. 5 or relevant Local Planning Scheme Policy and ensure appropriate and relevant conditions are requested of the Western Australian Planning Commission
15. Subject to those conditions of subdivision/amalgamation for which the Council is responsible being fulfilled, endorse clearance of Freehold Title and Strata Title Subdivisions on Deposited Plans or Plans of Strata / Survey Strata and strata documents.
16. Where delegated by the Commission, determine applications for Built Strata proposals up to 5 lots.

17. Provide responses to the State Administrative Tribunal in respect to applications for a review lodged against a refusal of Development Approval, unacceptable conditions imposed on an Application for Development Approval or supporting statements for the Western Australian Planning Commission in respect to a subdivision application decision made by the Commission. This also includes advising the Tribunal if mediation is an option to consider for the appeal process.
18. Require proponents to modify Local Planning Scheme Amendments and Structure Plan documents to the satisfaction of Council officers prior to them being considered by the Council.
19. Make inconsequential text and grammatical modifications to Scheme Amendments and Structure Plan documentation at any stage of the process.
20. Accept modifications to Scheme Amendments required by the Minister for Planning, Lands and Heritage unless they are in direct conflict with the Council's intentions following the consideration of submissions. This will include accepting the Minister's decision not to require modifications which were requested by the Council following consideration of submissions.
21. Grant renewals of permits for structures in thoroughfares where required under the Activities in Thoroughfares and Public Places and Trading Local Law provided all conditions imposed by the Council have been adhered to and there have been no issues or valid complaints regarding the structure.

Conditions

Must comply with relevant Council Policies, including local planning policies and State Planning Policies.

Relevant Local Government and Local Planning Scheme No. 5 Policies:

- Feedlots
- ~~Rural Tourist Accommodation and Additional Houses~~
- Ancillary Dwellings
- Tourist Development
- Commercial Plantations
- Outbuildings
- Sea Containers
- Kendenup Rural Surrounds
- Porongurup Rural Village Structure Plan
- Water Efficiency
- Advertising Sign
- Housing – Relocation of Houses
- Scheme Amendment Requests
- State Administrative Tribunal – Councillor Representations.

~~Housing – Relocation of Houses~~

~~Scheme Amendment Requests~~

~~State Administrative Tribunal – Councillor Representation~~

Review Requirements

At least once every financial year.

Review Date

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)

Chris Pavlovich
Shire President

7.1A Local Planning Scheme No. 5– Various duties, powers and functions.

Reference	Legislative Reference	Delegate/Appointee	Title
	Planning and Development Act 2005	Executive Manager Development Services	Local Planning Scheme - Delegation of duties, powers and functions.
	Schedule 2 Planning and Development (Local Planning Schemes) Regulations 2015	<u>Senior Planner</u> <u>Compliance Officer</u>	

Delegator/Appointer

Chief Executive Officer

Power or Duty Delegated

In accordance with Clause 82 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, the ~~Executive~~ Manager Development Services, Senior Planner and Compliance Officer is delegated authority to perform the following functions in relation to town planning matters:

1. Endorse planning decision forms.
2. Determine 'P' (Permitted) and 'I' (Incidental) Applications for Development Approval where the proposal complies with the requirements, conditions and provisions set out in Local Planning Scheme No. 5 and any relevant Local Planning Scheme Policies.
3. Determine 'D' (Discretionary) Applications for Development Approval where the proposal is consistent with the zone objectives set out in Table 2, complies with the requirements, conditions and provisions set out in Local Planning Scheme No. 5 and any relevant Local Planning Scheme Policies.
4. Initiate advertising of 'A' (Discretionary subject to giving Notice) Applications for Development Approval where the proposal is consistent with the zone objectives set out in Table 2, complies with the requirements, conditions and provisions set out in Local Planning Scheme No. 5 and any relevant Local Planning Scheme Policies; and
Subject to no valid objections being received during the public advertising, ~~Determination of~~ Applications for Development Approval ~~for Bed and Breakfast, Cellar Sales, up to four Chalets, Home Business and up to four Grouped Dwellings~~ subject to compliance with the requirements, conditions and provisions set out in Local Planning Scheme No. 5 and any relevant Local Planning Scheme Policies.
5. Determine 'Use Not Listed' Applications for Development Approval in accordance with clause 18 (4) of Local Planning Scheme No. 5, where the proposal is consistent with the zone objectives set out in Table 2, complies with the requirements, conditions and provisions set out in Local Planning Scheme No. 5 and any relevant Local Planning Scheme Policies.
6. Determine Applications in accordance with Clause 34 of Local Planning Scheme No. 5 and minor variations to boundary setback requirements, Table 7

requirements, Schedule 2 and 3 Special Provisions set out in Scheme No. 5 or relevant Local Planning Scheme Policies (where there is power to vary the standards) where such variation will not adversely impact on the amenity of adjoining properties or uses.

7. Determine Applications for Development Approval which involve ~~minor~~ variations to the 'deemed to comply' requirements of the Residential Design Codes, including retaining walls up to 1500mm in height, (where there is power to vary the standards) where the variation will not adversely impact on the amenity of surrounding properties or uses, and subject to verification that there is no objection from the owner/s of the adjoining property.
8. Determine Applications for outbuildings, which exceed (by up to 20%) a maximum floor area and/or wall height and/or ridge height specified ~~by set out~~ in Local Planning Scheme No. 5 and any relevant Local Planning Scheme Policies. ~~On~~ the basis that no valid planning objections have been received and that the outbuilding will not have an adverse visual impact on the amenity of the locality. The approval may include conditions which may limit the floor area, landscaping and vegetation planting or specific external colours and finishes.
9. Approve and accept tree planting and landscaping plans required as a condition of development or subdivisional approvals where the plans involve the use of local native plant and tree species or other appropriate species.
10. Approve requests to clear remnant vegetation where a condition of development or a subdivision approval requires the Council approval. Approval can be granted when the clearing is not considered to have an adverse visual or environmental impact or where it is required for fire safety reasons.
11. Determine applications for relocated houses outside of Mount Barker and the rural villages provided the relevant standards of ~~Council Policy TPS/DCC/5 (Housing—Relocation of Houses)~~any relevant Local Planning Policies are applied.
12. Provide responses to mobile phone carriers in accordance with the Deployment of Radio Communications Code in respect to:
 - The proposed method of community consultation.
 - The installation of low impact facilities.
13. Appoint persons to initiate prosecutions and legal proceedings for breaches of the Local Planning Scheme in accordance with Part 13 of the Planning and Development Act 2005 on behalf of the Council.
14. Recommend support to the Western Australian Planning Commission for Freehold Title and Strata Title Subdivisions proposals up to 10 lots where these proposals comply with Local Planning Scheme No. 5 or relevant Local Planning Scheme Policy and ensure appropriate and relevant conditions are requested of the Western Australian Planning Commission
15. Subject to those conditions of subdivision/amalgamation for which the Council is responsible being fulfilled, endorse clearance of Freehold Title and Strata Title Subdivisions on Deposited Plans or Plans of Strata / Survey Strata and strata documents.
16. Where delegated by the Commission, determine applications for Built Strata proposals up to 5 lots.
17. Provide responses to the State Administrative Tribunal in respect to applications for a review lodged against a refusal of Development Approval, unacceptable

conditions imposed on an Application for Development Approval or supporting statements for the Western Australian Planning Commission in respect to a subdivision application decision made by the Commission. This also includes advising the Tribunal if mediation is an option to consider for the appeal process.

18. Require proponents to modify Local Planning Scheme Amendments and Structure Plan documents to the satisfaction of Council officers prior to them being considered by the Council.
19. Make inconsequential text and grammatical modifications to Scheme Amendments and Structure Plan documentation at any stage of the process.
20. Accept modifications to Scheme Amendments required by the Minister for Planning, Lands and Heritage unless they are in direct conflict with the Council's intentions following the consideration of submissions. This will include accepting the Minister's decision not to require modifications which were requested by the Council following consideration of submissions.
21. Grant renewals of permits for structures in thoroughfares where required under the Activities in Thoroughfares and Public Places and Trading Local Law provided all conditions imposed by the Council have been adhered to and there have been no issues or valid complaints regarding the structure.

Conditions

Must comply with relevant Council Policies, including Local Planning Policies and State Planning Policies.

Relevant Local Government and Local Planning Scheme No. 5 Policies:

- Feedlots
- ~~Rural Tourist Accommodation and Additional Houses~~
- Ancillary Dwellings
- Tourist Development
- Commercial Plantations
- Outbuildings
- Sea Containers
- Kendenup Rural Surrounds
- Porongurup Rural Village Structure Plan
- Water Efficiency
- Advertising Signs
- Housing – Relocation of Houses
- Scheme Amendment Requests
- State Administrative Tribunal – Councillor Representation

~~Housing – Relocation of Houses~~

~~Scheme Amendment Requests~~

~~State Administrative Tribunal – Councillor Representation~~

Review Requirements

At least once every financial year.

Review Date

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)

~~Cameron Woods~~ Gary Clark
Chief Executive Officer

7.2 State Administrative Tribunal – Determination of position

Reference	Legislative Reference	Delegate/Appointee	Title
	Part 14 Planning and Development Act 2005 s31 State Administrative Tribunal Act 2004	Chief Executive Officer	Determination of position on an appeal to the SAT on a decision made under delegated authority

Delegator/Appointer

Council

Power or Duty Delegated

The Chief Executive Officer is delegated authority to determine the Shire's position with respect to any mediation resulting from an application for review made under Part 14 of the Planning and Development Act 2005 in response to a decision made under delegated authority and in accordance with s31 State Administrative Tribunal Act 2004.

s5.44 Local Government Act 1995 permits sub delegation by the Chief Executive Officer.

Conditions

Must comply with relevant Local Planning Strategy, Local Planning Scheme, and State Planning Policies.

Relevant Council Policies

There are no Council Policies relating to this delegation

Review Requirements

At least once every financial year.

Review Date

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)

Chris Pavlovich
Shire President

7.3 Crown Reserves and Street Names

Reference	Legislative Reference	Delegate/Appointee	Title
Previously LG042	s26A Land Administration Act 1997, Part 2 – General Administration, Division 3 General, Part 4 Reserves, Part 6 – Sales, leases, licences of Crown land s3.54 Local Government Act 1995	Chief Executive Officer	Crown Reserves, Street Names

Delegator/Appointer

Council

Power or Duty Delegated

The Chief Executive Officer is delegated authority to perform the following functions with regard to the Land Administration Act 1997:

1. Process requests related to Crown Reserves, pursuant to s3.54 of the Local Government Act 1995 and Part 4 of the Land Administration Act 1997
2. Comment on requests to lease Crown land, where the State manages the lease, pursuant to Part 6 of the Land Administration Act 1997
3. Forward recommendations of street names to the Geographic Names Committee, Western Australia under s26A of the Land Administration Act 1997
4. Authorise persons to administer any or all of the above functions.

Conditions

- a) Process requests related to Crown Reserves (1) Authority to process matters relating to Crown Reserves as follows:
 - i) Requests to the Minister for Lands to create a new reserve or transfer Crown land from one form to another (ie road reserve to Crown reserve; excision of road reserve from Crown reserve)
 - ii) Change of purpose of a Crown reserve
 - iii) Changes to reserve boundaries
 - iv) Acceptance of a management order, where the Shire is currently managing the land or can do so within existing operation budgets
 - v) Requests to lease Crown land, where no structure will be built (ie leases managed by the State, pastoral leases).
- b) Comment on request to lease Crown Land (2) compliance with the following documents is necessary:
 - i) Local Planning Scheme and Strategies
 - ii) Adopted Asset Management Plans (Roads, Reserves: Natural and Developed; Drainage)
 - iii) Shire of Plantagenet Bush Fire Strategy (under development).
- c) The revocation of a management order of an existing Shire managed reserve or cancellation of an existing Crown reserve shall be considered by the Council.

Must comply with relevant Council Policies

Relevant Council Policies

Future Street and Reserve Names

Review Requirements

To be reviewed at least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

APPOINTMENTS AND AUTHORISATIONS

8. APPOINTMENTS

8.1 General Inspectors – Animal Welfare Act

Reference	Legislative Reference	Delegate/Appointee	Title
	s33(2)(a)(v) Animal Welfare Act 2002	Manager – Saleyards Ranger	Appointment of General Inspectors – Animal Welfare Act

Delegator/Appointer

Chief Executive Officer

Power or Duty

Pursuant to s33(2)(a)(v) Animal Welfare Act 2002 the Chief Executive Officer appoints the Manager – Saleyards and Ranger as General Inspectors.

Conditions

General Inspectors must be employees.

General Inspectors are only able to issue infringement notices and cannot be appointed as both General Inspectors and Authorised Persons.

Relevant Council Policies

There are no Council Policies relating to this appointment

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 31 June 2024

Authority

..... (signature) (date)

~~Cameron Woods~~ Gary Clark
Chief Executive Officer

8.2 Authorised Persons – Animal Welfare Act

Reference	Legislative Reference	Delegate/Appointee	Title
	s64(1)(e) Animal Welfare Act 2002	N/A	Appointment of Authorised Persons – Animal Welfare Act

Delegator/Appointer

Chief Executive Officer

The Chief Executive Officer has not exercised this discretion as at the date of this Instrument.

Power or Duty

Pursuant to s64(1)(e) Animal Welfare Act 2002

Conditions

Authorised Persons are only able to issue infringement notices and cannot be appointed as both General Inspectors and Authorised Persons.

Relevant Council Policies

There are no Council Policies relating to this appointment

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)

~~Cameron Woods~~ Gary Clark

Chief Executive Officer

8.3 Authorised Persons – Caravan Parks and Camping Grounds Act

Reference	Legislative Reference	Delegate/Appointee	Title
	s17(1) Caravan Parks and Camping Grounds Act 1995	Executive Manager Development Services Environmental Health Officer <u>Compliance Officer</u>	Appointment of Authorised Persons - Caravan Parks and Camping Grounds Act

Delegator/Appointer

Chief Executive Officer

Power or Duty Delegated

The Chief Executive Officer appoints the ~~Executive~~ Manager Development Services, ~~and the~~ Environmental Health Officer and Compliance Officer as Authorised Persons pursuant to s17(1) Caravan Parks and Camping Grounds Act 1995.

The Act does not contain provisions allowing sub delegation.

Conditions

Employees appointed under s17(1) must have an identity card in accordance with s17(1)(b) of the Caravan Parks and Camping Grounds Act 1995.

Relevant Council Policies

There are no Council Policies relating to this appointment.

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)

~~Cameron Woods~~ Gary Clark

Chief Executive Officer

8.4 Enforcement – Caravan Parks and Camping Grounds Act

Reference	Legislative Reference	Delegate/Appointee	Title
	s22, s23(5), s23(7), s23(11) Caravan Parks and Camping Grounds Act 1995	Chief Executive Officer	Appointment of Authorised Persons for enforcement
	s23(2) Caravan Parks and Camping Grounds Act 1995	Environmental Health Officer Executive -Manager Development Services <u>Compliance Officer</u>	
	r6, r11(2) Caravan Parks and Camping Grounds Regulations 1997	Environmental Health Officer Executive -Manager Development Services <u>Compliance Officer</u>	Appointment of Authorised Persons for enforcement of Regulations and the giving of written approval

Delegator/Appointer

Council

Power or Duty

The Chief Executive Officer is appointed an Authorised Person under s22, s23(5), s23(7), s23(11) Caravan Parks and Camping Grounds Act 1995.

The Environmental Health Officer, ~~and Executive~~-Manager Development Services and Compliance Officer are appointed Authorised Persons under s23(2) Caravan Parks and Camping Grounds Act 1995.

The Environmental Health Officer and ~~Executive~~-Manager Development Services are appointed as Authorised Persons and to undertake all functions of the Shire for the purposes of r6 and r11(2) of the Caravan Parks and Camping Grounds Regulations 1997.

Conditions

1. Employees appointed under s23(2) cannot be appointed under ~~s23(3)~~, s23(5) or s23(7).
2. Employees appointed under s23(2) must hold a certificate stating the person is authorised.
3. In accordance with r11(2) any approval must be in writing.

Relevant Council Policies

There are no Council Policies relating to this appointment.

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

8.5 Control of Vehicles (Off Road Areas) Act 1978

Reference	Legislative Reference	Delegate/Appointee	Title
	s38(3) Control of Vehicles (Off Road Areas) Act 1978 Control of Vehicles (Off-road Areas) Regulations 1979	<u>Executive Manager Works and Services</u> Executive -Manager Development Services Environmental Health Officer Ranger	Appointment of Authorised Officers – Control of Vehicles (Off Road Areas) Act 1978

Delegator/Appointer

Council

Power or Duty Delegated

Pursuant to s38(3) of Control of Vehicles (Off Road Areas) Act 1978 and the Control of Vehicles (Off-road Areas) Regulations 1979, the Executive Manager Works and Services, ~~Executive~~-Manager Development Services, Environmental Health Officer, and Ranger are appointed as Authorised Officers to perform all functions of the local government under the Act.

Conditions

In accordance with s38(4)(d) each authorised person appointed must have a certificate stating the employee is an authorised person for the purpose of this Act.

Relevant Council Policies

There are no Council Policies relating to this appointment.

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

8.6 Control of Council Property and Facilities

Reference	Legislative Reference	Delegate/Appointee	Title
	S70A Criminal Code	Chief Executive Officer	Control of Council property and facilities

Delegator/Appointer

Council

Power or Duty Delegated

The Chief Executive Officer is deemed to be the person in authority of Shire property and facilities, including the Council Chambers during Council and Committee meetings.

Conditions

Must comply with relevant Council Policies.

Relevant Council Policies

Community Halls and Buildings
Halls – Hall Hire Donations
Hire of Council Controlled Property

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

As of right

8.7 Internal Review Officer – Freedom of Information Act 1992

Reference	Legislative Reference	Delegate/Appointee	Title
	s41 Freedom of Information Act 1992	Chief Executive Officer	Appointment of Internal Review Officer

Delegator/Appointer

Council

Power or Duty Delegated

Pursuant to s41 Freedom of Information Act 1992 the Chief Executive Officer is designated Internal Review Officer.

Conditions

Must comply with relevant Council Policies.

Relevant Council Policies

Record Keeping

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

8.8 Information Coordinator – Freedom of Information Act 1992

Reference	Legislative Reference	Delegate/Appointee	Title
	s100 Freedom of Information Act 1992	Human Resources Coordinator	Appointment of Freedom of Information Coordinator

Delegator/Appointer

Chief Executive Officer in accordance with s100 of the Freedom of Information Act 1992.

Power or Duty Delegated

The Chief Executive Officer appoints the Human Resources Coordinator as the Freedom of Information Coordinator to undertake the duties and functions associated with the lodgement and collation of an application for information in accordance with s11, 12, of the Freedom of Information Act 1992.

Conditions

Must comply with relevant Council Policies.

Relevant Council Policies

Record Keeping

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)

~~Cameron Woods~~ Gary Clark

Chief Executive Officer

8.9 Principal Decision Maker – Freedom of Information Act 1992

Reference	Legislative Reference	Delegate/Appointee	Title
	s100 Freedom of Information Act 1992	Deputy Chief Executive Officer	Principal Decision Maker

Delegator/Appointer

Not applicable, as of right determination.

Power or Duty Delegated

In accordance with s100 of the Freedom of Information Act the Principal Decision Maker is the Chief Executive Officer or an employee directed by the Chief Executive Officer to undertake the duties and functions. The Chief Executive Officer has determined that the Deputy Chief Executive Officer will be the Principal Decision Maker.

Conditions

Must comply with relevant Council Policies.

Relevant Council Policies

Record Keeping

Shire of Plantagenet Freedom of Information Act Information Statement

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)

~~Cameron Woods~~ Gary Clark
Chief Executive Officer

8.10 Authorised Person – Legal Proceedings, Infringements and Enforcements – Local Government Act

Reference	Legislative Reference	Delegate/Appointee	Title
	s9.10(1), s9.10(2), s9.11, s9.13, s9.16, s9.17, s9.19, s9.20, s9.24 Local Government Act 1995	Chief Executive Officer	Appointment as Authorised Person under the Local Government Act – Legal proceedings, infringements and enforcements

Delegator/Appointer

Council, pursuant to s s9.10(1), s9.11, s9.13, s9.16, s9.17, s9.19, s9.20 and s9.24 of the Local Government Act 1995.

Power or Duty Delegated

The Chief Executive Officer is appointed an authorised person for the purposes of s9.10(1), s9.11, s9.13, s9.16, s9.17, s9.19, s9.20 and s9.24 of the Local Government Act 1995.

Conditions

Appointed Authorised Persons are to hold a Certificate of Appointment in accordance with s9.10(2).

Must comply with relevant Council Policies.

Relevant Council Policies

Debt Collection

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

8.11 Authorised Person – Local Government Act

Reference	Legislative Reference	Delegate/Appointee	Title
	s9.10(1), s9.11, s9.13, s9.16, s9.17, s9.19, s9.20, s9.24 Local Government Act 1995	Deputy Chief Executive Officer	Appointment as Authorised Person under the Local Government Act

Delegator/Appointer

Chief Executive Officer, pursuant to s5.44 of the Local Government Act 1995.

Power or Duty Delegated

The Deputy Chief Executive Officer is appointed an authorised person for the purposes of s9.10(1), 9.11, 9.13, 9.16, 9.17, 9.19, 9.20 and 9.24 of the Local Government Act 1995.

Conditions

Appointed Authorised Persons are to hold a Certificate of Appointment in accordance with s9.10(2).

Must comply with relevant Council Policies.

Relevant Council Policies

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)

~~Cameron Woods~~ Gary Clark

Chief Executive Officer

8.12 Public Health Act 2016 – Appointment of Authorised Officers

Reference	Legislative Reference	Delegate/Appointee	Title
	S 24 and s312 Public Health Act 2016	Executive Manager Development Services Environmental Health Officer	Designation of Authorised Officers

Delegator/Appointer

Chief Executive Officer

Power or Duty Delegated

The ~~Executive~~ Manager Development Services and Environmental Health Officer are appointed as authorised officers under Section 24 of the Public Health Act 2016.

Conditions

Must operate in accordance with the conditions within the Shire of Plantagenet Health Local Law 2008.

A list of all officers designated as authorised officers must be kept and maintained in accordance with Section 27 of the Public Health Act 2016.

Each person who is designed as an authorised officer must be issued with certificate of authority as an authorised officer in accordance with Section 30 of the Public Health Act 2016.

Relevant Council Policies

There are no Council Policies relating to this appointment

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
~~Cameron Woods~~ Gary Clark
 Chief Executive Officer

8.13 Public Interest Disclosure Officer – Public Interest Disclosure Act 2003

Reference	Legislative Reference	Delegate/Appointee	Title
	s23(1)(a) Public Interest Disclosure Act 2003	Chief Executive Officer	Public Interest Disclosure Officer

Delegator/Appointer

Chief Executive Officer to designate Public Interest Disclosure Officer.

Power or Duty Delegated

Pursuant to s23(1)(a) Public Interest Disclosure Act 2003 the Principal Executive Officer (Chief Executive Officer) designates the occupant of a specified position within the authority as the person responsible for receiving disclosures of public interest information. The Chief Executive Officer of the Shire of Plantagenet is designated accordingly.

Conditions

Must comply with relevant Council Policies.

Relevant Council Policies

Legislative Compliance

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)

~~Cameron Woods~~ Gary Clark

Chief Executive Officer

8.14 Review Officer and Determination Officer – Rates and Charges (Rebates and Deferments) Regulation Act 1992

Reference	Legislative Reference	Delegate/Appointee	Title
	s12, 13, 32 Rates and Charges (Rebates and Deferments) Regulation Act 1992	Chief Executive Officer	Review Officer
	s12, 13, 32 Rates and Charges (Rebates and Deferments) Regulation Act 1992	Deputy Chief Executive Officer	Determination Officer

Delegator/Appointer

Not applicable, as of right determination.

Power or Duty Delegated

The Chief Executive Officer is the Pensioner Rates Review Officer, as defined by the Act.

The Deputy Chief Executive Officer is the Pensioner Rates Determination Officer as defined by the Act.

Conditions

Must comply with relevant Council Policies.

Relevant Council Policies

Methods of Valuation of Rateable Properties
Pensioner Rebates on Rural Properties
Rates Debt Collection – Hardship

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

As of right

8.15 Authorised Officers – Issue of Infringement Notices, Approved Officer – withdrawal or extension of period, Health (Asbestos) Regulations 1992.

Reference	Legislative Reference	Delegate/Appointee	Title
	Health (Asbestos) Regulations 1992 Pt2 Criminal Procedure Act 2004	Environmental Health Officer Principal Building Surveyor <u>Compliance Officer</u>	Authorised Officers - Issue of Infringement Notices
	Health (Asbestos) Regulations 1992 Pt2 Criminal Procedure Act 2004	Chief Executive Officer	Approved Officer - Withdrawal or extension of period for infringement notices.

Delegator/Appointer

Council

Power or Duty Delegated

The Environmental Health Officer, ~~and~~ Principal Building Surveyor and Compliance Officer be authorised pursuant to the Health (Asbestos) Regulations 1992 for the issuing of infringement notices.

The Chief Executive Officer be appointed as an Approved Officer pursuant to the Health (Asbestos) Regulations 1992 and the Criminal Procedure Act 2004 for the withdrawal or extension to a period to pay an infringement notice.

Conditions

The approved officer cannot be appointed as an authorised officer.

Must comply with relevant Council Policies.

Relevant Council Policies

Debt Collection

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich



Shire President

9. AUTHORISATIONS

9.1 Citizenship Ceremonies

Reference	Legislative Reference	Delegate/Appointee	Title
	s27(5) Australian Citizenship Act 2007	Shire President Deputy Shire President Chief Executive Officer.	Authorisation to receive the Pledge of Commitment

Delegator/Appointer

As of right.

Power or Duty Delegated

The Shire of Plantagenet Shire President, Deputy Shire President, and Chief Executive Officer are authorised persons, as of right, to receive a Pledge of Commitment under the Act.

Conditions

Must comply with relevant Council Policies.

Relevant Council Policies

Citizenship Ceremonies Dress Code

Review Requirements

Not applicable.

Review Dates

Not applicable.

Authority

As of right.

9.2 Bush Fires Act – Issue of Infringement and prosecution

Reference	Legislative Reference	Delegate/Appointee	Title
	s59(1), s59(3), s59A (2) Bush Fires Act 1954	Chief Executive Officer	Authority to prosecute and issue infringement notices.
	s59(1), s59(3), s59A (2) Bush Fires Act 1954	Executive Manager Works and Services Ranger	Authority to issue infringement notices

Delegator/Appointer

Council

Power or Duty Delegated

The Chief Executive Officer, Executive Manager Works and Services and Ranger are authorised to issue infringement notices under s59(1), (3) and s59A (2) of Bush Fires Act 1954.

There is no power to sub delegate under the Bush Fires Act 1954.

Conditions

Only the Chief Executive Officer may institute legal proceedings.

Only the Chief Executive Officer or the Shire President may withdraw infringement notices pursuant to s59A (3) Bush Fires Act 1954 and r4 Bush Fires (Infringements) Regulations 1958.

Must comply with relevant Council Policies.

Relevant Council Policies

Bushfire – Permits to Burn
Bushfire Guidelines – Vehicle Movement Bans
Debt Collection

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

9.3 Referral of Proposals – Environmental Protection Act 1986

Reference	Legislative Reference	Delegate/Appointee	Title
	s38 Environmental Protection Act 1986	Chief Executive Officer	Referral of Proposals to Environmental Protection Authority

Delegator/Appointer

Council

Power or Duty Delegated

Pursuant to s38 of the Environmental Protection Act 1986 the Chief Executive Officer is authorised to refer Proposals to the Environmental Protection Authority.

Conditions

There are no additional conditions relating to this appointment

Relevant Council Policies

There are no Council Policies relating to this appointment

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

9.4 Prosecutions under the Environmental Protection Act

Reference	Legislative Reference	Delegate/Appointee	Title
	s114(3) Environmental Protection Act 1986	Chief Executive Officer, as of right	Initiating prosecutions under the Environmental Protection Act

Delegator/Appointer

Not applicable, as of right pursuant to s114(3) Environmental Protection Act 1986

Power or Duty Delegated

Pursuant to s114(3) Environmental Protection Act 1986 the Chief Executive Officer acting with the consent of the Chief Executive Officer of the relevant State Government Department is authorised to initiate prosecutions (limited and see s114(4) and s144(A)).

Conditions

There are no additional Council Policies relating to this appointment

Relevant Council Policies

There are no Council Policies relating to this appointment

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

As of right.

9.5 Equal Employment Opportunity Management Plans

Reference	Legislative Reference	Delegate/Appointee	Title
	s145 Equal Employment Opportunity Act 1984	Chief Executive Officer	Preparation and implementation of equal employment opportunity management plans

Delegator/Appointer

Council

Power or Duty Delegated

The Chief Executive Officer is to prepare and implement equal employment opportunity management plans pursuant to s145 Equal Employment Opportunity Act 1984.

Conditions

Must comply with relevant Council Policies.

Relevant Council Policies

Access and Inclusion Policy

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

As of right

9.6 Liquor Control Act 1988 – Issue Certificates, removal of licences, Application for Extended Trading Permits.

Reference	Legislative Reference	Delegate/Appointee	Title
	s61(1)(d), s61(2), s69(7), s69(8) of the Liquor Control Act 1988	Chief Executive Officer Executive Manager Development Services	Issue certificates for grant, change or removal of liquor licences, application for ETPs and intervening in applications.

Delegator/Appointer

Council

Power or Duty Delegated

The Council designates the following positions to administer and discharge the Shire's duties under the Liquor Control Act 1988 in accordance with the conditions specified: Chief Executive Officer and the ~~Executive~~ Manager Development Services.

Pursuant to s61(1)(d), s61(2) Liquor Control Act 1988 to provide comment and make recommendations on Applications for Extended Trading Permits.

Pursuant to s69(7), s69(8) of the Liquor Control Act 1988 to intervene in Applications.

Conditions

1. Cannot recommend approval or refusal for first time applications for Extended Trading Permits to the relevant State Government authority. Such applications must be considered and determined by the Council.
2. May recommend approval or refusal for subsequent applications.

Relevant Council Policies

There are no Council Policies relating to this appointment

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
Chris Pavlovich
Shire President

9.7 Litter Act 1979 – Authorised Officers

Reference	Legislative Reference	Delegate/Appointee	Title
	s26(1)(c)(i), s26(1)(c)(ii) Litter Act 1979	All elected members and employees of the Shire are Authorised Persons by virtue of their Office under s26(1)(c)(i), s26(1)(c)(ii)	Authorised Officers under the Litter Act

Delegator/Appointer

As of right.

Power or Duty Delegated

s26(1)(c)(i), s26(1)(c)(ii) prescribes that all elected members and employees are Authorised Persons by virtue of their office.

Conditions

Employees and elected members appointed under s26(1)(c)(i), s26(1)(c)(ii) must hold a certificate stating the person is authorised, in accordance with s26(4)(c).

Relevant Council Policies

There are no Council Policies relating to this appointment

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

As of right.

9.8 Litter Act 1979 – Withdrawal of Infringement Notices

Reference	Legislative Reference	Delegate/Appointee	Title
	s30(4a) Litter Act 1979	Chief Executive Officer and Shire President (in relation to Notices issued by the Chief Executive Officer)	Withdrawal of Infringement Notices under the Litter Act

Delegator/Appointer

Council

Power or Duty Delegated

Pursuant to s30(4a) Litter Act 1979 the Chief Executive Officer is authorised to withdraw infringement notices.

If the Chief Executive Officer has issued the relevant infringement notice, the Shire President is authorised to withdraw such a notice.

Conditions

Must comply with relevant Council Policies.

Relevant Council Policies

There are no Council Policies relating to this appointment

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

..... (signature) (date)
 Chris Pavlovich
 Shire President

9.9 Impounding Trespassing Cattle

Reference	Legislative Reference	Delegate/Appointee	Title
	s458 Local Government (Miscellaneous Provisions) Act 1995	Ranger Manager - Saleyards Executive Manager Works and Services	Impounding trespassing cattle

Delegator/Appointer

As of right - Ranger
Council - Manager – Saleyards
Council – Executive Manager Works and Services

Power or Duty Delegated

Pursuant to s458 Local Government (Miscellaneous Provisions) Act 1995 the Executive Manager Works and Services, Manager – Saleyards and Ranger may deal with trespassing cattle and make arrangements in relation to impounding and related matters.

Conditions

Must comply with relevant Council Policies.

Relevant Council Policies

Release of Impounded Animals

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

As of right for Ranger

..... (signature) (date)
Chris Pavlovich
Shire President

9.10 Building Act 2011 – General Duties

Reference	Legislative Reference	Delegate/Appointee	Title
	Building Act 2011	Chief Executive Officer Principal Building Surveyor	General Duties – Building Act 2011

Delegator/Appointer

Council – Chief Executive Officer
Principal Building Surveyor – As of right

Power or Duty Delegated

The Chief Executive Officer and Principal Building Surveyor are authorised to undertake duties pursuant to the Building Act 2011.

Conditions

There are no additional conditions relating to this delegation.

Relevant Council Policies

There are no Council Policies relating to this delegation.

Review Requirements

At least once every financial year.

Review Dates

~~23 May 2023~~ 1 June 2024

Authority

As of right - Principal Building Surveyor

..... (signature) (date)

Chris Pavlovich
Shire President