



# Shire of Broome Delegations Register

current as at 25 August 2022

## REVIEW

| <b>Reviewed by</b> | <b>Date approved</b> | <b>References</b>  |
|--------------------|----------------------|--|
| Council            | 25 Mar 2021          | 2020/21 Annual Council Review C/0321/009   |
| Council            | 29 Jul 2021          | New Behaviour Complaints Committee Delegation 1.1.1 - C/0721/028                                   |
| Council            | 31 Mar 2022          | 2021/2022 Annual Council Review - C/0422/017   |
| Council            | 25 Aug 2022          | Reinstatement Delegation 5.1.10 - Grant Exemption as to Number of Dogs Kept at Premises C/0822/109 |

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## INTRODUCTION

### Introduction

Section 5.42 of the *Local Government Act 1995* (the Act) allows for a local government 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 (other than those under s5.43). The local government may also delegate the exercise of any of its powers to Committees pursuant to section 5.16, other than those under Section 5.17(1).

Section 5.44 of the Act provides for the Chief Executive Officer to delegate any of his or her powers to another employee, this must be done in writing. The Act also allows for the Chief Executive Officer to place conditions on any delegations that he or she has delegated. These powers or duties cannot, however, be further sub-delegated. These powers or duties are delegated to assist with improving the time taken to make decisions and are made within the constraints allowed by the relevant legislation. This is consistent with our commitment to a strong customer service focus.

The Department of Local Government & Communities *Guideline No.17 – Delegations*, establishes the principal issue in determining whether a statutory function or duty is suitable for 'acting through' that being - where the statute provides no discretion in carrying out a function or duty, then the function or duty may be undertaken through the 'acting through' concept.

Conversely, where the statute allows for discretion on the part of the decision maker, then the function must either be delegated or a person authorised, or a policy implemented, that provides sufficient control for another person to have that authority and fulfil the function or duty.

The *Local Government Act 1995* does not specifically define the meaning of the term "acting through", however section 5.45(2) states;

"Nothing in this Division is to read as preventing –

- (a) A local government from performing any of its functions by acting through a person other than the CEO"; or
- (b) A CEO from performing any of his or her functions by acting through another person."

The purpose of this register is to ensure a record is kept of those powers or duties that have been delegated to ensure accountability and to meet the requirements of Section 5.46 of the Act. This register is a public document that contains 'Instruments of Delegation' that detail the function being delegated and the relevant statutory reference which is the source of power for the exercise of that function. Without limiting the effect of sections 58 and 59 of the *Interpretation Act 1984*, these delegations, made under the Act have effect for the period of time specified in the delegation or where no period has been specified, indefinitely. Any decision to amend or revoke these delegations by a local government is to be by an absolute majority.

If a person is exercising a power or duty that they have been delegated, the Act requires that records be kept whenever the delegated authority is exercised.

The record is to contain the following information:

- Date the decision was exercised;
- Name of the officer/committee exercising the decision;
- Description of how the person exercised the power or discharged the duty, including where appropriate, any directions to staff to carry out work associated with the decision unless those directions are included in policies, corporate guidelines or the delegation register; and
- Notation of the people or class of people directly affected by the decision (other than Council or committee members or employees of the Shire).

Records are to be entered into Attain unless they are captured operationally through the use of Synergy standard modules.

This register of delegated authority will be reviewed in accordance with the Act on an annual basis.

## Delegations and authorisations under other Legislation

Where legislation provides for the direct delegation to authorise a person or a member of a class of persons by other agencies or decision makers. For example: the *Environmental Protection Act* allows for the CEO of the Department of Environment Regulation to grant delegated authority direct to a local government.

The authorisation is dealt with in the relevant legislation and, where required, the Instrument of Delegation or Notice of the Appointment is advertised in the Government Gazette.

Those Delegations or authorisations that may occur under legislation other than the *Local Government Act 1995*, its regulations and the local government's local laws include:

*Planning and Development Act 2005 and associated regulations*  
*Dog Act 1976 and regulations;*  
*Cat Act 2011 and regulations*  
*Bush Fires Act 1954, regulations and local law created under that Act;*  
*Litter Act 1979 and regulations*  
*Local Government (Miscellaneous Provisions) 1960 as amended;*  
*Caravan Parks and Camping Grounds Act 1995;*  
*Control of Vehicles (Off-Road Areas) Act 1978 and regulations;*  
*Environmental Protection Act 1986*  
*Environmental Protection (Noise) Regulations 1997*  
*Building Act 2011*

N.B. – This is not an exhaustive list.



## DELEGATIONS

## 01 Local Government Act 1995 Delegations

Local Government Act 1995

## 01.1 Council to Committees of Council

|  |   |
|--|---|
| <b>Delegation</b>                      | <b>1.1.1 Behaviour Complaints Committee</b>   |
| <b>Category</b>                        | Council to Committee  |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations  |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.16 Delegation of some powers and duties to certain committees  |
| <b>Express power or duty delegated</b> | Shire of Broome - Code of Conduct for Council Members, Committee Members and Candidates (CoC)<br><br><i>Local Government (Model Code of Conduct) Regulations 2021:</i><br>Clause 12 Dealing with a complaint<br>Clause 13 Dismissal of complaint  |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur<br/>[CoC &amp; MCC.cl.12(1) and (3)]<br/>In making any finding the Committee must also determine reasons for the finding<br/>[CoC &amp; MCC.cl.12(7)]</li> <li>2. Where a finding is made that a breach has occurred, authority to: <ol style="list-style-type: none"> <li>a. take no further action [CoC &amp; MCC.cl.12(4(a)); or</li> <li>b. prepare and implement a plan to address the behaviour of the person to whom the complaint relates<br/>[CoC &amp; MCC.cl.12(4)(b), (5) and (6)]</li> </ol> </li> <li>3. Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal<br/>[CoC &amp; MCC.cl.13(1) and (2)]</li> </ol> |
| <b>Delegates</b>                       | Behavioural Complaints Committee  |

|                            |   |
|----------------------------|---|
| <b>Conditions</b>          | <p>a. The Committee will make decisions in accordance with the principles and specified requirements established in Council Policy - Code of Conduct Behaviour Complaints Management.</p> <p>b. That part of a Committee meeting which deals with a Complaint will be held behind closed doors in accordance with s.5.23(2)(b) of the Act.</p> <p>c. The Committee is prohibited from exercising this Delegation where a Committee Member in attendance at a Committee meeting is either the Complainant or Respondent to the Complaint subject of a Committee agenda item.</p> <p>d. In the event of (c) above, the Committee may resolve to defer consideration to a future meeting at which the conflicted Committee Member is absent, and a Deputy Committee Member is in attendance.</p> <p><u>NOTE TO CONDITIONS(C) AND (D):</u><br/>The purpose of this Condition is to require that a Committee Member who is identified as either the Complainant or Respondent is required to recuse themselves by notifying the Presiding Member of their intention to be an apology for the meeting at which the Complaint is an agenda item.</p> |
| <b>Statutory framework</b> | <p><a href="#">Code of Conduct for Council Members, Committee Members and Candidates</a></p> <p>Council - Behaviour Complaints Committee Terms of Reference</p> <p><a href="#">Local Government Act 1995</a></p> <p><a href="#">Local Government (Model Code of Conduct) Regulations 2021</a></p>   |
| <b>Policy</b>              | <p><a href="#">Code of Conduct Behaviour Complaints Management</a></p>  |
| <b>Record keeping</b>      | <p>Committee Minutes shall record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19.</p>  |
| <b>Date adopted</b>        | <p>28 April 2022</p>  |
| <b>Adoption references</b> | <p>Item 9.4.1 Minute No. C/0422/017</p>   |

## 01.2 Council to CEO

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| <b>Delegation</b>                      | <b>1.2.1 Performing Functions Outside the District</b>   |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO   |
| <b>Express power or duty delegated</b> | <i>Local Government Act 1995:</i><br>s.3.20(1) Performing functions outside district   |
| <b>Function</b>                        | 1. Determine the circumstances where it is appropriate for the Local Government's functions to be performed outside the District and prior to implementing such a decision, obtain the consent of the landowner/s and occupier/s and any other person that has control or management of the land impacted by the performance of the function [s.3.20(1)].  |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>• A decision to undertake a function outside the District, can only be made under this delegation where there is a relevant Budget allocation and the performance of the functions does not negatively impact service levels within the District. Where these conditions are not met, the matter must be referred for Council decision.</li> <li>• Must comply with all relevant Policies.</li> </ul> |
| <b>Express power to subdelegate</b>    | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees   |
| <b>Statutory framework</b>             | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's document management system.  |
| <b>Date adopted</b>                    | 28 April 2022  |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017   |

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| <b>Delegation</b>                      | <b>1.2.2 Compensation for Damage Incurred when Performing Executive Functions</b>   |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations  |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO  |
| <b>Express power or duty delegated</b> | <i>Local Government Act 1995:</i><br>s.3.22(1) Compensation<br>s.3.23 Arbitration   |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. In accordance with the s.3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of executive functions and make payment of compensation [s.3.22(1)].</li> <li>2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23.</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer   |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Delegation is limited to settlements which do not exceed a material value of \$10,000.</li> <li>▪ Council shall be informed of the details whenever this delegation is exercised.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>  |
| <b>Express power to subdelegate</b>    | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees  |
| <b>Statutory framework</b>             | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.   |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's documents management system.  |
| <b>Date adopted</b>                    | 28 April 2022   |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017  |

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| <b>Delegation</b>                      | <b>1.2.3 Powers of Entry</b>   |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO   |
| <b>Express power or duty delegated</b> | <i>Local Government Act 1995:</i><br>s.3.28 When this Subdivision applies<br>s.3.32 Notice of entry<br>s.3.33 Entry under warrant<br>s.3.34 Entry in an emergency<br>s.3.36 Opening fences   |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to exercise powers of entry to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law [s.3.28].</li> <li>2. Authority to give notice of entry [s.3.32].</li> <li>3. Authority to seek and execute an entry under warrant [s.3.33].</li> <li>4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)].</li> <li>5. Authority to give notice and effect entry by opening a fence [s.3.36].</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Delegated authority under s.3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>   |
| <b>Express power to subdelegate</b>    | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees   |
| <b>Subdelegates</b>                    | Director Development Services<br>Director Infrastructure<br>Manager Environmental Health, Emergency and Rangers<br>Manager Operations  |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.   |
| <b>Statutory framework</b>             | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's documents management system.   |
| <b>Date adopted</b>                    | 28 April 2022  |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017   |



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| <b>Delegation</b>                      | <b>1.2.4 Declare Vehicle is Abandoned Vehicle Wreck</b>  |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO   |
| <b>Express power or duty delegated</b> | <i>Local Government Act 1995:</i><br>s.3.40A(4) Abandoned vehicle wreck may be taken   |
| <b>Function</b>                        | 1. Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].   |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.2.5 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision.</li> <li>▪ Must comply with all relevant Policies.</li> </ul> |
| <b>Express power to subdelegate</b>    | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees   |
| <b>Subdelegates</b>                    | Director Development Services<br>Manager Environmental Health, Emergency and Rangers   |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the subdelegates.   |
| <b>Statutory framework</b>             | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's documents management system.   |
| <b>Date adopted</b>                    | 28 April 2022  |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017   |

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| <b>Delegation</b>                      | <b>1.2.5 Confiscated or Uncollected Goods</b>   |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations  |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO  |
| <b>Express power or duty delegated</b> | <i>Local Government Act 1995:</i><br>s.3.46 Goods May be withheld until costs paid<br>s.3.47 Confiscated or uncollected goods, disposal of<br>s.3.48 Impounding expenses, recovery of   |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. [s.3.46]</li> <li>2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47].</li> <li>3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer   |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>   |
| <b>Express power to subdelegate</b>    | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees  |
| <b>Subdelegates</b>                    | Coordinator Community Safety & Ranger Services<br>Director Development Services<br>Manager Environmental Health, Emergency and Rangers  |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.  |
| <b>Statutory framework</b>             | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br><br><a href="#">Local Government Act 1995</a> :Part 3, Division 3, Subdivision 3<br>s.3.58 Disposing of Property – applies to the sale of goods under s.3.47 as if they were property referred to in that section.<br><br><a href="#">Parking and Parking Facilities Local Law 2012</a>  |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's documents management system.  |



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| <b>Date adopted</b>        | 28 April 2022                    |
| <b>Adoption references</b> | Item 9.4.1 Minute No. C/0422/017 |

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| <b>Delegation</b>                      | <b>1.2.6 Disposal of Sick or Injured Animals</b>   |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO   |
| <b>Express power or duty delegated</b> | <i>Local Government Act 1995:</i><br>s.3.47A Sick or injured animals, disposal of<br>s.3.48 Impounding expenses, recovery of   |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)].</li> <li>2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].</li> </ol>  |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.</li> <li>▪ Must comply with all relevant Policies</li> </ul>   |
| <b>Express power to subdelegate</b>    | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees   |
| <b>Subdelegates</b>                    | Coordinator Community Safety & Ranger Services<br>Director Development Services<br>Manager Environmental Health, Emergency and Rangers   |
| <b>Subdelegate conditions</b>          | <p>Conditions on the Delegate also apply to the Subdelegates.</p> <p>Officers must liaise with an authorised veterinarian if practicable and must not destroy an animal unless –</p> <ol style="list-style-type: none"> <li>a. Because of the state of the animal, destroying it is urgent; or</li> <li>b. The Shire has taken reasonable steps to notify the owner and has complied with statutory requirements.</li> </ol> |
| <b>Statutory framework</b>             | <p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Dog Local Law 2012</a></p>   |
| <b>Record keeping</b>                  | <p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p>   |
| <b>Date adopted</b>                    | 28 April 2022  |

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| <b>Delegation</b>                      | <b>1.2.7 Close Thoroughfares to Vehicles</b>   |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO   |
| <b>Express power or duty delegated</b> | <i>Local Government Act 1995:</i><br>s.3.50 Closing certain thoroughfares to vehicles<br>s.3.50A Partial closure of thoroughfare for repairs or maintenance<br>s.3.51 Affected owners to be notified of certain proposals  |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)].</li> <li>2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: <ol style="list-style-type: none"> <li>1. give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and</li> <li>2. consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)].</li> </ol> </li> <li>3. Authority to revoke an order to close a thoroughfare [s.3.50(6)].</li> <li>4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A]</li> <li>5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s.3.51].</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)].</li> <li>▪ Maintain access to adjoining land [s.3.52(3)] (relevant only to townsites).</li> <li>▪ Must comply with all relevant Policies</li> </ul>   |
| <b>Express power to subdelegate</b>    | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees   |
| <b>Subdelegates</b>                    | Director Infrastructure<br>Manager Operations  |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.   |
| <b>Statutory framework</b>             | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  |

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| <b>Record keeping</b>      | Delegations exercised are to be recorded in the Attain Compliance System.<br>Any supporting information should be recorded in the Shire's document management system. |
| <b>Date adopted</b>        | 28 April 2022   |
| <b>Adoption references</b> | Item 9.4.1 Minute No. C/0422/017  |

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| <b>Delegation</b>                      | <b>1.2.8 Control Reserves and Certain Unvested Facilities</b>   |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations  |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO  |
| <b>Express power or duty delegated</b> | <i>Local Government Act 1995:</i><br>s.3.53(3) Control of certain unvested facilities<br>s.3.54(1) Reserves under control of local government   |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)].</li> <li>2. Authority to do anything for the purpose of controlling and managing land under the control and management of the Shire of Broome that the Shire of Broome could do under s.5 of the <a href="#">Parks and Reserves Act 1895</a>. [s.3.54(1)].</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer   |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Limited to matters where the financial implications do not exceed a relevant and current budget allocation, and which do not create a financial liability in future budgets.</li> <li>▪ Must comply with all relevant Policies</li> </ul>  |
| <b>Express power to subdelegate</b>    | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees  |
| <b>Subdelegates</b>                    | Director Development Services<br>Manager Community Facilities<br>Manager Environmental Health, Emergency and Rangers  |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.  |
| <b>Statutory framework</b>             | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br><br><a href="#">Property and Public Places Local Law 2016</a><br><br><a href="#">Local Planning Policy 5.10 - Signs</a><br><br><a href="#">Alcohol Management Policy</a><br><br><a href="#">Events Policy</a>  |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's document management system.   |
| <b>Date adopted</b>                    | 28 April 2022   |

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| <b>Delegation</b>                      | <b>1.2.9 Obstruction of Footpaths and Thoroughfares</b>  |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO   |
| <b>Express power or duty delegated</b> | <i>Local Government (Uniform Local Provisions) Regulations 1996:</i><br>r.5(2) Interfering with, or taking from, local government land<br>r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)<br>r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b)<br>r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)  |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: <ol style="list-style-type: none"> <li>a. prevent damage to the footpath; or</li> <li>b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)].</li> </ol> </li> <li>2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)].</li> <li>3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)].</li> <li>4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A].</li> <li>5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> <li>▪ Permission may only be granted where, the proponent has: <ul style="list-style-type: none"> <li>◦ Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.</li> <li>◦ Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works.</li> <li>◦ Provided evidence of sufficient Public Liability Insurance.</li> <li>◦ Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ul> </li> <li>▪ Must comply with all relevant Policies</li> </ul>  |
| <b>Express power to subdelegate</b>    | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees   |



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| <b>Subdelegates</b>           | Director Infrastructure<br>Manager Operations   |
| <b>Subdelegate conditions</b> | Conditions on the Delegate also apply to the Subdelegates.  |
| <b>Statutory framework</b>    | <p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.2 – Public Thoroughfare Obstruction – Determine Conditions</p> <p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a></p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p> |
| <b>Record keeping</b>         | <p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p>  |
| <b>Date adopted</b>           | 28 April 2022   |
| <b>Adoption references</b>    | Item 9.4.1 Minute No. C/0422/017  |

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| <b>Delegation</b>                      | <b>1.2.10 Gates Across Public Thoroughfares</b>  |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO   |
| <b>Express power or duty delegated</b> | <i>Local Government (Uniform Local Provisions) Regulations 1996:</i><br>r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)   |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)].</li> <li>2. Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)].</li> <li>3. Authority to impose conditions on granting permission [ULP r.9(4)].</li> <li>4. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)].</li> <li>5. Authority to cancel permission by written notice, and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9(6)].</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>▪ Each approval provided must be recorded in the Shire of Broome's statutory Register of Gates in accordance with Uniform Local Provisions Regulation 9(8).</li> <li>▪ Must comply with all relevant Policies</li> </ul>  |
| <b>Express power to subdelegate</b>    | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees   |
| <b>Subdelegates</b>                    | Director Infrastructure<br>Manager Operations  |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.   |
| <b>Statutory framework</b>             | <p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p>   |

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| <b>Record keeping</b>      | Delegations exercised are to be recorded in the Attain Compliance System.<br>Any supporting information should be recorded in the Shire's document management system. |
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| <b>Adoption references</b> | Item 9.4.1 Minute No. C/0422/017  |

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| <b>Delegation</b>                      | <b>1.2.11 Public Thoroughfare – Dangerous Excavations</b>  |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO   |
| <b>Express power or duty delegated</b> | <i>Local Government (Uniform Local Provisions) Regulations 1996:</i><br>r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6   |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)].</li> <li>2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)].</li> <li>3. Authority to impose conditions on granting permission [ULP r.11(6)].</li> <li>4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].</li> </ol>  |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> <li>▪ Permission may only be granted where, the proponent has: <ul style="list-style-type: none"> <li>◦ Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works.</li> <li>◦ Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works.</li> <li>◦ Provided evidence of sufficient Public Liability Insurance.</li> <li>◦ Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ul> </li> <li>▪ Must comply with all relevant Policies</li> </ul> |
| <b>Express power to subdelegate</b>    | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees   |
| <b>Subdelegates</b>                    | Director Infrastructure<br>Manager Operations  |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.   |

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| <b>Statutory framework</b> | <p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.3 – Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares</p> <p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p> |
| <b>Record keeping</b>      | <p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p>  |
| <b>Date adopted</b>        | <p>28 April 2022</p>  |
| <b>Adoption references</b> | <p>Item 9.4.1 Minute No. C/0422/017</p>   |

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| <b>Delegation</b>                      | <b>1.2.12 Crossing – Construction, Repair and Removal</b>  |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO   |
| <b>Express power or duty delegated</b> | <i>Local Government (Uniform Local Provisions) Regulations 1996:</i><br>r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7 (2)<br>r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)  |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r.12(1)].</li> <li>2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)].</li> <li>3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)].</li> <li>4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>   |
| <b>Express power to subdelegate</b>    | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees   |
| <b>Subdelegates</b>                    | Director Infrastructure<br>Manager Operations  |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.   |
| <b>Statutory framework</b>             | <p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p> <p>Refer also Delegation 1.4.1 under the Template Activities in <i>Thoroughfares and Public Places and Trading Local Law</i></p>  |

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| <b>Record keeping</b>      | Delegations exercised are to be recorded in the Attain Compliance System.<br>Any supporting information should be recorded in the Shire's document management system. |
| <b>Date adopted</b>        | 28 April 2022   |
| <b>Adoption references</b> | Item 9.4.1 Minute No. C/0422/017  |

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| <b>Delegation</b>                      | <b>1.2.13 Private Works on, over or under Public Places</b>   |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations  |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO  |
| <b>Express power or duty delegated</b> | <i>Local Government Act 1995:</i><br>r.17 Private works on, over, or under public places – Sch.9.1 cl.  |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)].</li> <li>2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].</li> </ol>  |
| <b>Delegates</b>                       | Chief Executive Officer   |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.</li> <li>▪ Permission may only be granted where, the proponent has: <ul style="list-style-type: none"> <li>◦ Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works.</li> <li>◦ Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works.</li> <li>◦ Provided evidence of sufficient Public Liability Insurance.</li> <li>◦ Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ul> </li> <li>▪ Must comply with all relevant Policies.</li> </ul> |
| <b>Express power to subdelegate</b>    | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees  |
| <b>Subdelegates</b>                    | Director Infrastructure<br>Manager Operations   |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.  |



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| <b>Statutory framework</b> | <p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>– prescribe applicable statutory procedures</p> <p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p> |
| <b>Record keeping</b>      | <p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p>   |
| <b>Date adopted</b>        | 28 April 2022  |
| <b>Adoption references</b> | Item 9.4.1 Minute No. C/0422/017   |

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| <b>Delegation</b>                      | <b>1.2.14 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift</b>   |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations  |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO  |
| <b>Express power or duty delegated</b> | <i>Local Government (Uniform Local Provisions) 1996:</i><br>r.21(1) Wind erosion and sand drifts – Sch.9.1 cl.12  |
| <b>Function</b>                        | 1. Authority to give notice to a land owner / occupier if it is considered that clearing the owner / occupier's land may cause local government land with a common boundary, to be adversely affected by wind erosion or sand drift [ <i>ULP r.21(1)</i> ].   |
| <b>Delegates</b>                       | Chief Executive Officer   |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Must comply with all relevant Policies</li> </ul>  |
| <b>Express power to subdelegate</b>    | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees  |
| <b>Subdelegates</b>                    | Director Infrastructure<br>Manager Operations   |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.  |
| <b>Statutory framework</b>             | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br><br><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures<br><br>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a> |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's document management system.   |
| <b>Date adopted</b>                    | 28 April 2022   |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017  |

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| <b>Delegation</b>                      | <b>1.2.15 Expressions of Interest for Goods and Services</b>   |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO   |
| <b>Express power or duty delegated</b> | <i>Local Government Act 1995:</i><br>s.3.57 Tenders for providing goods or services<br><i>Local Government (Functions and General) Regulations 1996:</i><br>r.21 Limiting who can tender, procedure for<br>r.23 Rejecting and accepting expressions of interest to be acceptable tenderer  |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&amp;G r.21].</li> <li>2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&amp;G r.23].</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services.</li> <li>▪ Must comply with Council's Purchasing Policy.</li> </ul>   |
| <b>Express power to subdelegate</b>    | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees   |
| <b>Subdelegates</b>                    | Director Corporate Services<br>Director Development Services<br>Director Infrastructure  |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.   |
| <b>Statutory framework</b>             | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br><br><a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures<br><a href="#">WALGA Subscription Service</a><br>– Procurement Toolkit<br><br><a href="#">Council Policy - Purchasing</a>   |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's document management system.  |

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| <b>Date adopted</b>        | 28 April 2022                    |
| <b>Adoption references</b> | Item 9.4.1 Minute No. C/0422/017 |

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| <b>Delegation</b>                      | <b>1.2.16 Tenders for Goods and Services</b>   |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO   |
| <b>Express power or duty delegated</b> | <i>Local Government Act 1995:</i><br>s.3.57 Tenders for providing goods or services<br><i>Local Government (Functions and General) Regulations 1996:</i><br>r.11 When tenders have to be publicly invited<br>r.13 Requirements when local government invites tenders though not required to do so<br>r.14 Publicly inviting tenders, requirements for<br>r.18 Rejecting and accepting tenders<br>r.20 Variation of requirements before entry into contract<br>r.21A Varying a contract for the supply of goods or services |

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| <p><b>Function</b></p>  | <ol style="list-style-type: none"> <li>1. Authority to call tenders [F&amp;G r.11(1)].</li> <li>2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement [F&amp;G r.11(f)].</li> <li>3. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is \$500,000 or less and the expense is included in the adopted Annual Budget [F&amp;G.r.11(2)].</li> <li>4. Authority to invite tenders although not required to do so [F&amp;G r.13].</li> <li>5. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&amp;G r.14(2a)].</li> <li>6. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&amp;G r.14(4)(a)].</li> <li>7. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&amp;G r.14(5)].</li> <li>8. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&amp;G r.18(4)].</li> <li>9. Authority to accept, or reject tenders, only within the \$500,000 detailed as a condition on this Delegation and in accordance with the requirements of the Functions and General Regulations [F&amp;G r.18(2) and (4)].</li> <li>10. Authority to determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender, subject to a maximum 10% variation and within the \$500,000 detailed as a condition on this Delegation, and to then negotiate minor variations with the successful tenderer before entering into a contract [F&amp;G r.20(1) and (3)].</li> <li>11. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&amp;G r.18(4a)].</li> <li>12. Authority to decline any tender [F&amp;G r.18(5)].</li> <li>13. If the chosen tenderer is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer, authority to choose the next most advantageous tender to accept [F&amp;G r.20(2)]</li> <li>14. Authority to: <ol style="list-style-type: none"> <li>i. Vary a contract that has been entered into with a successful tenderer, provided the variation/s do not change the scope of the original contract or increase the contract value beyond 10% or to a maximum of \$500,000 whichever is the lesser value.</li> <li>ii. Exercise an extension option that was included in the original tender specification and contract in accordance with r.11(2)(j). [F&amp;G r.21A].</li> </ol> </li> <li>15. Authority to accept another tender where within 6-months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract [F&amp;G r.18(6) &amp; (7)].</li> </ol> |
| <p><b>Delegates</b></p> | <p>Chief Executive Officer</p>  |

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| <b>Conditions</b>                   | <ul style="list-style-type: none"> <li>▪ Sole supplier arrangements may only be approved where a record is retained that evidences: <ul style="list-style-type: none"> <li>◦ A detailed specification;</li> <li>◦ The outcomes of market testing of the specification;</li> <li>◦ The reasons why market testing has not met the requirements of the specification; and</li> <li>◦ Rationale for why the supply is unique and cannot be sourced through other suppliers;</li> </ul> </li> <li>▪ Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget and where the: <ul style="list-style-type: none"> <li>◦ proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government,</li> <li>◦ current supply contract expiry is imminent,</li> <li>◦ value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and</li> <li>◦ The tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.</li> </ul> </li> <li>▪ In accordance with s.5.43, tenders may only be accepted and panels of pre-qualified suppliers established, where the total consideration under the resulting contract is \$500,000 or less and the expense is included in the adopted Annual Budget.</li> <li>▪ Must comply with the Council's Purchasing Policy.</li> </ul> |
| <b>Express power to subdelegate</b> | <p><i>Local Government Act 1995:</i><br/>s.5.44 CEO may delegate some powers and duties to other employees</p>   |
| <b>Subdelegates</b>                 | <p>Director Corporate Services<br/>Director Development Services<br/>Director Infrastructure</p>   |
| <b>Subdelegate conditions</b>       | <p>Conditions on the Delegate also apply to the Subdelegates.</p>  |
| <b>Statutory framework</b>          | <p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures</p> <p><a href="#">WALGA Subscription Service</a> – Procurement Toolkit</p>  |
| <b>Policy</b>                       | <p><a href="#">Council Policy - Purchasing</a></p>   |
| <b>Record keeping</b>               | <p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p>   |
| <b>Date adopted</b>                 | <p>28 April 2022</p>   |
| <b>Adoption references</b>          | <p>Item 9.4.1 Minute No. C/0422/017</p>  |

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| <b>Delegation</b>                      | <b>1.2.17 Panels of Pre-Qualified Suppliers for Goods and Services</b>  |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations  |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO  |
| <b>Express power or duty delegated</b> | <i>Local Government (Functions and General) Regulation 1996:</i><br>r.24AB Local government may establish panels of pre-qualified suppliers<br>r.24AC(1)(b) Requirements before establishing panels of pre-qualified suppliers<br>r.24AD(3) & (6) Requirements when inviting persons to apply to join panel of pre-qualified suppliers<br>r.24AH(2), (3), (4) and (5) Rejecting and accepting applications to join panel of pre-qualified suppliers   |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to determine that there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [F&amp;G r.24AC(1)(b)].</li> <li>2. Authority to, before inviting submissions, determine the written criteria for deciding which application should be for inclusion in a panel of pre-qualified suppliers should be accepted [F&amp;G r.24AD(3)].</li> <li>3. Authority to vary panel of pre-qualified supplier information after public notice inviting submissions has been given, taking reasonable steps to each person who has enquired or submitted an application is provided notice of the variation [F&amp;G r.24AD(6)].</li> <li>4. Authority to reject an application without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation [F&amp;G r.24AH(2)].</li> <li>5. Authority to assess applications, by written evaluation of the extent to which the submission satisfies the criteria for deciding which applicants to accept, and decide which applications to accept as most advantageous [F&amp;G r.24AH(3)].</li> <li>6. Authority to request clarification of information provided in a submission by an applicant [F&amp;G r.24AH(4)].</li> <li>7. Authority to decline to accept any application [F&amp;G r.24AH(5)].</li> <li>8. Authority to enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services [F&amp;G r.24AJ(1)].</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer   |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ In accordance with s.5.43, panels of pre-qualified suppliers may only be established, where the total consideration under the resulting contract is \$500,000 or less and the expense is included in the adopted Annual Budget.</li> <li>▪ Must comply with Council's Purchasing Policy</li> </ul>   |
| <b>Express power to subdelegate</b>    | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees  |
| <b>Subdelegates</b>                    | Director Corporate Services<br>Director Development Services<br>Director Infrastructure   |



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| <b>Subdelegate conditions</b> | Conditions on the Delegate also apply to the Subdelegates.   |
| <b>Statutory framework</b>    | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br><br><a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures<br><br><a href="#">WALGA Subscription Service – Procurement Toolkit</a> |
| <b>Policy</b>                 | <a href="#">Council Policy - Purchasing</a>  |
| <b>Record keeping</b>         | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's document management system.  |
| <b>Date adopted</b>           | 28 April 2022  |
| <b>Adoption references</b>    | Item 9.4.1 Minute No. C/0422/017   |

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| <b>Delegation</b>                      | <b>1.2.18 Application of Regional Price Preference Policy</b>   |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations  |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO                                |
| <b>Express power or duty delegated</b> | <i>Local Government (Functions and General) Regulations 1996:</i><br>r.24G Adopted regional price preference policy, effect of  |
| <b>Function</b>                        | 1. Authority to decide when not to apply the regional price preference policy to a particular future tender [F&G r.24G].  |
| <b>Delegates</b>                       | Chief Executive Officer   |
| <b>Express power to subdelegate</b>    | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees  |
| <b>Subdelegates</b>                    | Director Corporate Services<br>Director Development Services<br>Director Infrastructure   |
| <b>Statutory framework</b>             | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.   |
| <b>Policy</b>                          | <a href="#">Council Policy - Purchasing</a><br><a href="#">Council Policy - Regional Price Preference</a>   |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's document management system. |
| <b>Date adopted</b>                    | 28 April 2022   |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017  |

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| <b>Delegation</b>                      | <b>1.2.19 Disposing of Property</b>  |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO   |
| <b>Express power or duty delegated</b> | <i>Local Government Act 1995:</i><br>s.3.58(2) & (3) Disposing of Property   |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to dispose of property to: <ol style="list-style-type: none"> <li>a. the highest bidder at public auction [s.3.58(2)(a)].</li> <li>b. the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tender [s.3.58(2)(b)]</li> </ol> </li> <li>2. Authority to dispose of property by private treaty only in accordance with section 3.58 (3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].</li> </ol>  |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required.</li> <li>▪ In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of \$500,000 or less.</li> <li>▪ When determining the method of disposal:</li> <li>▪ Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> <li>◦ Reserve price has been set by independent valuation.</li> <li>◦ Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price.</li> </ul> </li> <li>▪ Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method.</li> <li>▪ Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: <ul style="list-style-type: none"> <li>◦ Negotiate the sale of the property up to a -10% variance on the valuation; and</li> <li>◦ Consider any public submissions received and determine if to proceed with the disposal, ensuring reasons for the decision are recorded.</li> </ul> </li> <li>▪ Where the market value of the property is determined as being less than \$20,000 (F&amp;G r.30(3) excluded disposal) may be undertaken: <ul style="list-style-type: none"> <li>◦ Without reference to Council for resolution; and</li> <li>◦ In any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value then, as a minimum, the disposal must ensure environmentally responsible disposal.</li> </ul> </li> <li>▪ Must comply with all relevant Policies.</li> </ul> |
| <b>Express power to subdelegate</b>    | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees   |

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| <b>Subdelegates</b>           | Director Corporate Services<br>Director Development Services<br>Director Infrastructure   |
| <b>Subdelegate conditions</b> | Conditions on the Delegate also apply to the Subdelegates.  |
| <b>Statutory framework</b>    | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br><br><a href="#">Local Government Act 1995</a> – s.3.58 Disposal of Property<br><br><a href="#">Local Government (Functions and General) Regulations 1995</a> – r.30 Dispositions of property excluded from Act s. 3.58 |
| <b>Policy</b>                 | <a href="#">Council Policy - Disposal of Assets</a>   |
| <b>Record keeping</b>         | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's document management system.   |
| <b>Date adopted</b>           | 28 April 2022   |
| <b>Adoption references</b>    | Item 9.4.1 Minute No. C/0422/017  |

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| <b>Delegation</b>                      | <b>1.2.20 Payments from the Municipal or Trust Funds</b>   |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO   |
| <b>Express power or duty delegated</b> | <i>Local Government (Financial Management) Regulations 1996:</i><br>r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making  |
| <b>Function</b>                        | 1. Authority to make payments from the municipal or trust funds [r.12(1)(a)].  |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Authority to make payments is subject to annual budget limitations.</li> <li>▪ Must comply with all relevant Policies</li> </ul>  |
| <b>Express power to subdelegate</b>    | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees   |
| <b>Subdelegates</b>                    | Coordinator Financial Services<br>Director Corporate Services<br>Director Development Services<br>Director Infrastructure<br>Manager Financial Services  |
| <b>Subdelegate conditions</b>          | <ul style="list-style-type: none"> <li>▪ Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5.</li> <li>▪ Payments by Cheque and EFT transactions must be approved jointly by two Delegates.</li> <li>▪ Delegates that approve the payment must not verify the liability. The verification of incurring the liability via the purchase order, invoice and evidence of goods / service received, must be undertaken independent of the payment approval.</li> <li>▪ Must comply with all relevant Policies</li> </ul> |
| <b>Statutory framework</b>             | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br><br><a href="#">Local Government Act 1995</a><br><br><a href="#">Local Government (Financial Management) Regulations 1996</a> - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.<br><br><a href="#">Local Government (Audit) Regulations 1996</a>   |
| <b>Policy</b>                          | <a href="#">Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards</a><br><br><a href="#">Department of Local Government, Sport and Cultural Industries: Accounting Manual</a>  |

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| <b>Record keeping</b>      | Delegations exercised are to be recorded in the Shire's document management system. |
| <b>Date adopted</b>        | 28 April 2022   |
| <b>Adoption references</b> | Item 9.4.1 Minute No. C/0422/017  |

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| <b>Delegation</b>                      | <b>1.2.21 Defer, Grant Discounts, Waive or Write Off Debts</b>  |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations  |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO  |
| <b>Express power or duty delegated</b> | <i>Local Government Act 1995:</i><br>s.6.12 Power to defer, grant discounts, waive or write off debts   |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Waive a debt which is owed to the Shire of Broome [s.6.12(1)(b)].</li> <li>2. Grant a concession in relation to money which is owed to the Shire of Broome [s.6.12(1)(b)].</li> <li>3. Write off an amount of money which is owed to the Shire of Broome [s.6.12(1)(c)]</li> </ol>  |
| <b>Delegates</b>                       | Chief Executive Officer   |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire of Broome. <ul style="list-style-type: none"> <li>◦ Limited to individual debts valued below \$2,000 (GST exclusive). Write off of debts greater than these values must be referred for Council decision.</li> </ul> </li> <li>▪ The waiving or refunding of fees and charges for applications made under the following legislation and local laws administered by the Development and Community Directorate must comply with Council's Policy – Waiving and Refunding of Fees: <ul style="list-style-type: none"> <li>◦ <i>Building Act 2011</i></li> <li>◦ <i>Bush Fires Act 1954</i></li> <li>◦ <i>Food Act 2008</i></li> <li>◦ <i>Local Government Act 1995</i></li> <li>◦ <i>Planning and Development Act 2005</i></li> <li>◦ <i>Public Health Act 2016</i></li> <li>◦ Local Government Property and Public Places Local Law 2012</li> <li>◦ Trading, Outdoor Dining and Street Entertainment Local Law 2003</li> </ul> </li> <li>▪ Amounts provided via the CEO Adhoc Sponsorship Budget are to be reported to Council on a quarterly basis via the Councillor Information Bulletin.</li> <li>▪ Sundry debtor write offs must comply with Council's Policy – Debt Recovery.</li> </ul> |
| <b>Express power to subdelegate</b>    | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees  |
| <b>Subdelegates</b>                    | Director Corporate Services<br>Director Development Services<br>Manager Environmental Health, Emergency and Rangers<br>Manager Planning and Building Services   |

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| <b>Subdelegate conditions</b> | <ul style="list-style-type: none"> <li>▪ Conditions on the Delegate also apply to the Subdelegates.</li> <li>▪ Director Development Services, Manager Planning and Building Services and Manager Environmental Health, Emergency and Rangers delegation is limited to the waiver or refund of fees related to the legislation and local laws administered by the Development Services Directorate listed above, and must comply with Council's Policy – Waiving and Refunding of Fees.</li> <li>▪ Sundry Debtor write offs must comply with Council's Policy - Debt Recovery</li> </ul> |
| <b>Statutory framework</b>    | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.   |
| <b>Policy</b>                 | <a href="#">Council Policy - Debt Recovery</a><br><a href="#">Council Policy - Waiving and Refunding of Fees</a>  |
| <b>Record keeping</b>         | <p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p>  |
| <b>Date adopted</b>           | 28 April 2022   |
| <b>Adoption references</b>    | Item 9.4.1 Minute No. C/0422/017  |



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| <b>Delegation</b>                      | <b>1.2.22 Power to Invest and Manage Investments</b>  |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations  |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO  |
| <b>Express power or duty delegated</b> | <i>Local Government Act 1995:</i><br>s.6.14 Power to invest<br><i>Local Government (Financial Management) Regulations 1996:</i><br>r.19 Investments, control procedures for   |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)].</li> <li>2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].</li> </ol>  |
| <b>Delegates</b>                       | Chief Executive Officer   |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ All investment activity must comply with the Financial Management Regulation 19C and Council Investment Policy.</li> <li>▪ A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports.</li> <li>▪ Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within every 3 financial years. [Audit r.17]</li> <li>▪ Must comply with Council's Investment Policy</li> </ul> |
| <b>Express power to subdelegate</b>    | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees  |
| <b>Subdelegates</b>                    | Coordinator Financial Services<br>Director Corporate Services<br>Director Development Services<br>Director Infrastructure<br>Manager Financial Services   |
| <b>Subdelegate conditions</b>          | <ul style="list-style-type: none"> <li>▪ Conditions on the Delegate also apply to the Subdelegates.</li> <li>▪ A decision to invest must be jointly confirmed by two Delegates.</li> </ul>  |
| <b>Statutory framework</b>             | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br><br><a href="#">Local Government (Financial Management) Regulations 1996</a> – refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a))   |
| <b>Policy</b>                          | <a href="#">Council Policy - Investment</a>   |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Shire's document management system.   |

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| <b>Date adopted</b>        | 28 April 2022                    |
| <b>Adoption references</b> | Item 9.4.1 Minute No. C/0422/017 |

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| <b>Delegation</b>                      | <b>1.2.23 Rate Record Amendment</b>  |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO   |
| <b>Express power or duty delegated</b> | <i>Local Government Act 1995:</i><br>s.6.39(2)(b) Rate record  |
| <b>Function</b>                        | 1. Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)].  |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Delegates must comply with the requirements of s.6.40 of the Act.</li> <li>▪ Must comply with all relevant Policies</li> </ul>  |
| <b>Express power to subdelegate</b>    | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees   |
| <b>Subdelegates</b>                    | Coordinator Financial Services<br>Director Corporate Services<br>Manager Financial Services  |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.   |
| <b>Statutory framework</b>             | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br><br><a href="#">Local Government Act 1995</a> – s.6.40 prescribes consequential actions that may be required following a decision to amend the rate record.<br><br>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's document management system.  |
| <b>Date adopted</b>                    | 28 April 2022  |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017   |

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| <b>Delegation</b>                      | <b>1.2.24 Agreement as to Payment of Rates and Service Charges</b>   |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO   |
| <b>Express power or duty delegated</b> | <i>Local Government Act 1995:</i><br>s.6.49 Agreement as to payment of rates and service charges   |
| <b>Function</b>                        | 1. Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].  |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | 1. Decisions under this delegation must comply with Council Policy – Debt Recovery.<br>2. Agreements must be in writing and appropriate internal controls maintained to monitor compliance with the agreed repayment schedule. |
| <b>Express power to subdelegate</b>    | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees   |
| <b>Subdelegates</b>                    | Director Corporate Services<br>Manager Financial Services  |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.   |
| <b>Statutory framework</b>             | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  |
| <b>Policy</b>                          | <a href="#">Council Policy - Debt Collection</a><br><br>Business Operating Procedure - Financial Hardship  |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's document management system.  |
| <b>Date adopted</b>                    | 28 April 2022  |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017   |

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| <b>Delegation</b>                      | <b>1.2.25 Determine Due Date for Rates or Service Charges</b>  |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| <b>Express power or duty delegated</b> | <i>Local Government Act 1995:</i><br>s.6.50 Rates or service charges due and payable   |
| <b>Function</b>                        | 1. Authority to determine the date on which rates or service charges become due and payable to the Shire of Broome [s.6.50].               |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Must comply with all relevant Policies.</li> </ul>  |
| <b>Express power to subdelegate</b>    | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees                                     |
| <b>Subdelegates</b>                    | Director Corporate Services<br>Manager Financial Services  |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.   |
| <b>Statutory framework</b>             | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.                                    |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Shire's document management system.  |
| <b>Date adopted</b>                    | 28 April 2022  |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017   |

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| <b>Delegation</b>                      | <b>1.2.26 Recovery of Rates or Service Charges</b>   |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO   |
| <b>Express power or duty delegated</b> | <i>Local Government Act 1995:</i><br>s.6.56 Rates or service charges recoverable in court<br>s.6.64(3) Actions to be taken   |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)].</li> <li>2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)].</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Decisions under this delegation must comply with Council Policy – Debt Collection</li> </ul>  |
| <b>Express power to subdelegate</b>    | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees   |
| <b>Subdelegates</b>                    | Director Corporate Services<br>Manager Financial Services  |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.   |
| <b>Statutory framework</b>             | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  |
| <b>Policy</b>                          | <a href="#">Council Policy - Debt Collection</a><br><br>Business Operating Procedure - Financial Hardship  |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's document management system.  |
| <b>Date adopted</b>                    | 28 April 2022  |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017   |

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| <b>Delegation</b>                      | <b>1.2.27 Recovery of Rates Debts – Require Lessee to Pay Rent</b>   |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO   |
| <b>Express power or duty delegated</b> | <i>Local Government Act 1995:</i><br>s.6.60 Local Government may require lessee to pay rent  |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the Shire of Broome [s.6.60(2)].</li> <li>2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)].</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Decisions under this delegation must comply with Council Policy – Debt Collection.</li> </ul>   |
| <b>Express power to subdelegate</b>    | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees   |
| <b>Subdelegates</b>                    | Director Corporate Services<br>Manager Financial Services  |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.   |
| <b>Statutory framework</b>             | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br><br><a href="#">Local Government Act 1995</a> – refer sections 6.61 and 6.62 and Schedule 6.2 prescribe procedures relevant to exercise of authority under s.6.60.  |
| <b>Policy</b>                          | <a href="#">Council Policy - Debt Collection</a>   |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's document management system.  |
| <b>Date adopted</b>                    | 28 April 2022  |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017   |

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| <b>Delegation</b>                      | <b>1.2.28 Recovery of Rates Debts - Actions to Take Possession of the Land</b>   |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO   |
| <b>Express power or duty delegated</b> | <i>Local Government Act 1995:</i><br>s.6.64(1) Actions to be taken<br>s.6.69(2) Right to pay rates, service charges and costs, and stay proceedings<br>s.6.71 Power to transfer land to Crown or local government<br>s.6.74 Power to have land revested in Crown if rates in arrears 3 years   |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to take possession of land and hold the land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years [s.6.64(1)], including: <ol style="list-style-type: none"> <li>i. lease the land, or</li> <li>ii. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: <ol style="list-style-type: none"> <li>I. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; o</li> <li>II. cause the land to be transferred to the Shire of Broome [s.6.71].</li> </ol> </li> </ol> </li> <li>2. Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, service charges and costs within 7 days of and prior to the proposed sale [s.6.69(2)].</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Decisions under this delegation must comply with Council Policy – Debt Collection.</li> <li>▪ In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale <u>without having</u>, within the previous 3-years attempted to recover the outstanding rates / changes through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes.</li> <li>▪ Exercise of this delegation must comply with the procedures set out in Schedule 6.3 of the <i>Local Government Act 1995</i>.</li> <li>▪ Council Members are to be informed as soon as practicable after the exercise of this delegation.</li> </ul>  |
| <b>Express power to subdelegate</b>    | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees   |
| <b>Subdelegates</b>                    | Director Corporate Services<br>Manager Financial Services  |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.   |



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| <b>Statutory framework</b> | <p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government Act 1995</a> – Part 6, Division 6 Subdivision 6 and Schedule.6.3 prescribe procedures relevant to exercise of authority under this delegation.</p> <p><a href="#">Local Government (Financial Management) Regulations 1996</a> – regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation.</p> |
| <b>Policy</b>              | <p><a href="#">Council Policy - Debt Collection</a></p>   |
| <b>Record keeping</b>      | <p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p>  |
| <b>Date adopted</b>        | <p>28 April 2022</p>  |
| <b>Adoption references</b> | <p>Item 9.4.1 Minute No. C/0422/017</p>   |

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| <b>Delegation</b>                      | <b>1.2.29 Rate Record – Objections</b>   |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO   |
| <b>Express power or duty delegated</b> | <i>Local Government Act 1995:</i><br>s.6.76 Grounds of objection   |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to extend the time for a person to make an objection to a rate record [s.6.76 (4)].</li> <li>2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)].</li> </ol>                   |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination under this Delegation.</li> <li>▪ New rate exemptions are to be reported to Council via the Councillor Information Bulletin.</li> <li>▪ Must comply with all relevant Policies</li> </ul> |
| <b>Express power to subdelegate</b>    | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees   |
| <b>Subdelegates</b>                    | Director Corporate Services<br>Manager Financial Services  |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.   |
| <b>Statutory framework</b>             | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br><br>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal  |
| <b>Policy</b>                          | <a href="#">Council Policy - Rating</a><br><br><a href="#">Council Policy - Rate Exemption Charitable Use</a>  |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's document management system.  |
| <b>Date adopted</b>                    | 28 April 2022  |

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| <b>Delegation</b>                      | <b>1.2.30 Renewal or Extension of Contracts during a State of Emergency</b>  |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO   |
| <b>Express power or duty delegated</b> | <i>Local Government Act 1995:</i><br>s.3.57 Tenders for providing goods or services<br><i>Local Government (Functions and General) Regulations 1996:</i><br>Regulation 11 'When tenders have to be publicly invited'<br>Tender exemption under subregulation 11(2)(ja)   |
| <b>Function</b>                        | Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to execute a renewal or extension to the term of a contract that will expire within 3 months, for a term of not more than 12 months from the original expiry date, without calling for tenders [F&G r.11(2)(ja)].<br>This authority relates to: <ul style="list-style-type: none"> <li>• contracts not formed through a public tender, where the total value of the original term and the proposed extension or renewal exceeds \$250 000, and</li> <li>• contracts formed through a public tender.</li> </ul>   |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ The authority to apply the renewal or extension option may be exercised where one or more of the following principles applies: <ul style="list-style-type: none"> <li>◦ It is exercised at the sole discretion of the Local Government;</li> <li>◦ It is in the best interests of the Local Government;</li> <li>◦ It is deemed necessary to facilitate the role of Local Government in relation to the State of Emergency declaration;</li> <li>◦ It has potential to promote local and/or regional economic benefits.</li> </ul> </li> <li>▪ This authority may only be exercised where the total consideration for the renewal or extension is \$500,000 or less.</li> <li>▪ Contracts may only be renewed or extended where there is an adopted and available budget for the proposed goods and services, OR where the expenditure from an alternative available budget allocation has been authorised in advance by the Shire President (i.e. before the expense is incurred) in accordance with LGA s.6.8(1)(c).</li> <li>▪ The decision to extend or renew a contract must be made in accordance with the objectives of the Purchasing Policy.</li> <li>▪ The CEO cannot sub-delegate this authority.</li> </ul> |
| <b>Statutory framework</b>             | <a href="#">Local Government (Functions and General) Regulations 1996</a>  |
| <b>Policy</b>                          | <a href="#">WALGA Subscription Service – Procurement Toolkit</a><br><a href="#">Council Policy - Purchasing</a>  |

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| <b>Record keeping</b>      | Delegations exercised are to be recorded in the Attain Compliance System.<br>Any supporting information should be recorded in the Shire's document management system. |
| <b>Date adopted</b>        | 28 April 2022   |
| <b>Adoption references</b> | Item 9.4.1 Minute No. C/0422/017  |

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| <b>Delegation</b>                      | <b>1.2.31 Procurement of Goods or Services required to address a State of Emergency</b>  |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO   |
| <b>Express power or duty delegated</b> | <i>Local Government Act 1995:</i><br>s.3.57 Tenders for providing goods or services<br><i>Local Government (Functions and General) Regulations 1996:</i><br>Regulation 11 'When tenders have to be publicly invited'<br>Tender exemption under subregulation 11(2)(aa)<br>Associated definition under subregulation 11(3)  |
| <b>Function</b>                        | Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to: <ol style="list-style-type: none"> <li>1. Determine that particular goods or services with a purchasing value &gt;\$250,000 are required for the purposes of addressing the impact, consequences or need arising from the hazard to which the State of Emergency declaration relates [F&amp;G r11(3)(b)]; and</li> <li>2. Undertake tender exempt purchasing activity to obtain the supply of those goods or services identified in accordance with point 1 above [F&amp;G r.11(2)(aa)].</li> </ol>  |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ This authority may only be exercised where the goods or services are urgently required, and it is not possible for Council to meet within an appropriate timeframe.</li> <li>▪ Compliance with the Purchasing Policy is required, but only to the extent that such compliance will not incur an unreasonable delay in providing the required urgent response to the State of Emergency hazard. The rationale for non-compliance with Purchasing Policy must be evidenced in accordance with the Record Keeping Plan.</li> <li>▪ Where a relevant budget allocation is not available and a purchase is necessary in response to a State of Emergency, the expenditure from an alternative available budget allocation must be authorised in advance by the Shire President (i.e. before the expense is incurred) in accordance with LGA s.6.8.</li> <li>▪ The CEO is to inform Council Members after the exercise of this delegation, including details of the contract specification, scope and purchasing value and the rationale for determining that the goods or services were urgently required in response to the State of Emergency declaration.</li> <li>▪ The CEO cannot sub-delegate this authority.</li> </ul> |
| <b>Statutory framework</b>             | <a href="#">Local Government (Functions and General) Regulations 1996</a>  |
| <b>Policy</b>                          | <a href="#">WALGA Subscription Service – Procurement Toolkit</a><br><a href="#">Council Policy - Purchasing</a>  |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's document management system.  |

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| <b>Date adopted</b>        | 28 April 2022                    |
| <b>Adoption references</b> | Item 9.4.1 Minute No. C/0422/017 |

## 01.3 CEO to Employees

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| <b>Delegation</b>                      | <b>1.3.1 Determine if an Emergency for Emergency Powers of Entry</b>  |
| <b>Category</b>                        | CEO to Employees  |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations  |
| <b>Delegator</b>                       | Chief Executive Officer   |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees  |
| <b>Express power or duty delegated</b> | <i>Local Government Act 1995:</i><br>s.3.34(2) Entry in emergency   |
| <b>Function</b>                        | 1. Authority to determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions [s.3.34(2)].  |
| <b>Delegates</b>                       | Director Corporate Services<br>Director Development Services<br>Director Infrastructure<br>Manager Environmental Health, Emergency and Rangers  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ The Delegate is to inform the CEO and Council Members as soon as practicable after the exercise of this delegation.</li> <li>▪ Must comply with all relevant Policies</li> </ul> |
| <b>Express power to subdelegate</b>    | Nil   |
| <b>Statutory framework</b>             | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.   |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's document management system.   |
| <b>Date adopted</b>                    | 28 April 2022   |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017  |



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| <b>Delegation</b>                      | <b>1.3.2 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare</b>   |
| <b>Category</b>                        | CEO to Employees  |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations  |
| <b>Delegator</b>                       | Chief Executive Officer   |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees  |
| <b>Express power or duty delegated</b> | <i>Local Government (Uniform Local Provisions) Regulations 1996:</i><br>r.6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)   |
| <b>Function</b>                        | <p>When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.2.9:</p> <ol style="list-style-type: none"> <li>1. Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP r.6(4)(d)].</li> <li>2. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b)].</li> <li>3. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP r.6(5)(d)].</li> </ol> |
| <b>Delegates</b>                       | Director Infrastructure<br>Manager Operations   |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.9 Obstruction of Footpaths and Thoroughfares.</li> <li>▪ Actions under this Delegation must comply with the procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.</li> <li>▪ Must comply to all relevant Policies</li> </ul>   |
| <b>Express power to subdelegate</b>    | Nil   |
| <b>Statutory framework</b>             | <p>This delegated authority is effective only in alignment with Delegated Authority 1.2.9 Obstructions of Footpaths and Thoroughfares.</p> <p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a><br/>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i></p>   |
| <b>Record keeping</b>                  | <p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p>  |

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| <b>Date adopted</b>        | 28 April 2022                    |
| <b>Adoption references</b> | Item 9.4.1 Minute No. C/0422/017 |

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| <b>Delegation</b>                      | <b>1.3.3 Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares</b>  |
| <b>Category</b>                        | CEO to Employees   |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations   |
| <b>Delegator</b>                       | Chief Executive Officer  |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees   |
| <b>Express power or duty delegated</b> | <i>Local Government (Uniform Local Provisions) Regulations 1996:</i><br>r.11(6)(c) and (7)(c) Dangerous excavation in or near public thoroughfare – Sch. 9.1 cl.6  |
| <b>Function</b>                        | When determining to grant permission for a dangerous excavation under Delegated Authority 1.2.11:<br><br><ol style="list-style-type: none"> <li>1. Authority to determine, as a condition of granting permission, the sum sufficient to deposit to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.11(6)(c)].</li> <li>2. Authority to determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience [r.11(7)(c)].</li> <li>3. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily.</li> </ol> |
| <b>Delegates</b>                       | Director Infrastructure<br>Manager Operations  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.11 Public Thoroughfares – Dangerous Excavations.</li> <li>▪ Actions under this Delegation must comply with the procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.</li> <li>▪ Must comply with all relevant Policies</li> </ul>   |
| <b>Express power to subdelegate</b>    | Nil  |
| <b>Statutory framework</b>             | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br><br>This delegated authority is effective only in alignment with Delegated Authority 1.2.11 Public Thoroughfares – Dangerous Excavations.<br><br><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a><br><br>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>  |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's document management system.  |

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| <b>Date adopted</b>        | 28 April 2022                    |
| <b>Adoption references</b> | Item 9.4.1 Minute No. C/0422/017 |

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| <b>Delegation</b>                      | <b>1.3.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places</b>   |
| <b>Category</b>                        | CEO to Employees  |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations  |
| <b>Delegator</b>                       | Chief Executive Officer   |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees  |
| <b>Express power or duty delegated</b> | <i>Local Government (Uniform Local Provisions) Regulations 1996:</i><br>r.17(5)(b) and r.17(6)(c) Private works on, over, or under public places — Sch. 9.1 cl. 8   |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to determine, as a condition of granting permission for Private Works in Public Places, the sum sufficient to deposit with the Local Government to cover the cost of repairing damage to the public thoroughfare or public place resulting from the crossing construction, on the basis that the Local Government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.17(5)(b)].</li> <li>2. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [r.17(6)(c)].</li> </ol> |
| <b>Delegates</b>                       | Director Infrastructure<br>Manager Operations   |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Must comply to all relevant Policies</li> </ul>  |
| <b>Express power to subdelegate</b>    | Nil   |
| <b>Statutory framework</b>             | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br><br>This delegated authority is effective only in alignment with Delegated Authority 1.2.13 Private Works on, over or under Public Places  |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's document management system.   |
| <b>Date adopted</b>                    | 28 April 2022   |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017  |

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| <b>Delegation</b>                      | <b>1.3.5 Electoral Enrolment Eligibility Claims and Electoral Roll</b>   |
| <b>Category</b>                        | CEO to Employees   |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations   |
| <b>Delegator</b>                       | Chief Executive Officer  |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees   |
| <b>Express power or duty delegated</b> | <i>Local Government Act 1995:</i><br>s.4.32(4), (5A) & (5) Eligibility to enrol under s.4.30, how to claim<br>s.4.34 Accuracy of enrolment details to be maintained<br>s.4.35 Decision that eligibility to enrol under s.4.30 has ended<br>s.4.37 New roll for each election<br><i>Local Government (Elections) Regulations 1995:</i><br>r.11(1a) Nomination of co-owners or co-occupiers — s.4.31<br>r.13(2) & (4) Register - s.4.32(6)   |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)].</li> <li>2. Authority to decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)].</li> <li>3. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.3.42(5A)].</li> <li>4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)].</li> <li>5. Authority to approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their families safety at risk [Elections r.13(2)].</li> <li>6. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)].</li> <li>7. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34].</li> <li>8. Authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination.</li> <li>9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)].</li> <li>10. Decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day which is less than 100 days since the last election day [s.4.37(3)].</li> </ol> |
| <b>Delegates</b>                       | Director Corporate Services<br>Manager Governance, Strategy & Risk   |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7).</li> <li>▪ Must comply with all relevant Policies.</li> </ul>   |
| <b>Express power to subdelegate</b>    | Nil  |

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| <b>Statutory framework</b> | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br><a href="#">Department of Local Government, Sport and Cultural Industries: Returning Officer Manual</a> |
| <b>Record keeping</b>      | Delegations exercised are to be recorded in the Attain Compliance System.<br>Any supporting information should be recorded in the Shire's document management system.  |
| <b>Date adopted</b>        | 28 April 2022  |
| <b>Adoption references</b> | Item 9.4.1 Minute No. C/0422/017   |

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| <b>Delegation</b>                      | <b>1.3.6 Destruction of Electoral Papers</b>   |
| <b>Category</b>                        | CEO to Employees   |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations   |
| <b>Delegator</b>                       | Chief Executive Officer  |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees   |
| <b>Express power or duty delegated</b> | <i>Local Government (Elections) Regulations 1996:</i><br>r.82(4) Keeping election papers – s4.84(a)  |
| <b>Function</b>                        | 1. Authority to, after a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [Elect. r.82(4)].   |
| <b>Delegates</b>                       | Director Corporate Services<br>Manager Governance, Strategy & Risk   |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Must comply to all relevant Policies</li> </ul>   |
| <b>Express power to subdelegate</b>    | Nil  |
| <b>Statutory framework</b>             | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br><a href="#">Department of Local Government, Sport and Cultural Industries: Returning Officer Manual</a> |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's document management system.  |
| <b>Date adopted</b>                    | 28 April 2022  |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017   |



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| <b>Delegation</b>                      | <b>1.3.7 Appoint Authorised Persons</b>   |
| <b>Category</b>                        | CEO to Employees  |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations  |
| <b>Delegator</b>                       | Chief Executive Officer   |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees  |
| <b>Express power or duty delegated</b> | <i>Local Government Act 1995:</i><br>s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land]<br>s.9.10 Appointment of authorised persons  |
| <b>Function</b>                        | <p>1. Authority to appoint persons or classes of persons as authorised persons [s.3.24 and s.9.10] for the purpose of fulfilling functions of an authorised person prescribed in the following legislation inclusive of subsidiary legislation made under each Act i.e. Regulations:</p> <ol style="list-style-type: none"> <li>a. <a href="#">Local Government Act 1995</a> and its subsidiary legislation, including Local Government Act Regulations, the <i>Local Government (Miscellaneous Provisions) Act 1960</i> and Local Laws made under the Local Government Act..</li> <li>b. <i>Caravan Parks and Camping Grounds Act 1995</i>;</li> <li>c. <i>Cat Act 2011</i>;</li> <li>d. <i>Cemeteries Act 1986</i>;</li> <li>e. <i>Control of Vehicles (Off-road Areas) Act 1978</i>;</li> <li>f. <i>Dog Act 1976</i>;</li> <li>g. <a href="#">Graffiti Vandalism Act 2016</a> – refer s.15; and</li> <li>h. any other legislation prescribed for the purposes of s.9.10 of the <i>Local Government Act 1995</i>.</li> </ol> <p>2. Authority to appoint authorised persons for the purposes of section 9.16 of the <i>Local Government Act 1995</i>, <u>as a precondition</u> for appointment as authorised officers in accordance with Regulation 70(2) of the <a href="#">Building Regulations 2012</a> and section 6(b) of the <i>Criminal Procedure Act 2004</i>.</p> |
| <b>Delegates</b>                       | Director Corporate Services<br>Director Development Services<br>Director Infrastructure   |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ A register of Authorised Persons is to be maintained as a Local Government Record.</li> <li>▪ Only persons who are appropriately qualified and trained may be appointed as Authorised persons.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>   |
| <b>Express power to subdelegate</b>    | Nil   |
| <b>Statutory framework</b>             | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.   |

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| <b>Record keeping</b>      | <p>Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file.</p> <p>A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.</p> <p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p> |
| <b>Date adopted</b>        | 28 April 2022  |
| <b>Adoption references</b> | Item 9.4.1 Minute No. C/0422/017   |

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| <b>Delegation</b>                      | <b>1.3.8 Information to be Available to the Public</b>  |
| <b>Category</b>                        | CEO to Employees  |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations  |
| <b>Delegator</b>                       | Chief Executive Officer   |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees  |
| <b>Express power or duty delegated</b> | <i>Local Government (Administration) Regulations 1996:</i><br>r.29(2) &(3) Information to be available for public inspection (Acts s.5.94)<br>r.29B Copies of certain information not to be provided (Act s.5.96)<br><i>Local Government Act 1995:</i><br>s.9.95(1)(b) & (3)(b) Limits on right to inspect local government information   |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to determine the public right to inspect information, by determining if the information requested relates to a part of a meeting that could have been closed to members of the public but was not [Admin. r.29(2)].</li> <li>2. Authority to determine the public right to inspect information in an agenda or minutes, by determining if the information requested would be part of the meeting which is likely to be closed to members of the public [Admin. r.29(3)].</li> <li>3. Authority to determine the manner and form by which a person may request copies of rates record information [s.5.94(m)] or owners and occupiers register and electoral rolls [s.5.94(s)] and to make the information available, if satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes [Admin r.29B].</li> <li>4. Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s.5.95(1)(b)].</li> <li>5. Authority to determine not to provide a right to inspect information contained in notice papers, agenda, minutes, or information tabled at a meeting, where it is considered that that part of the meeting could have been closed to members of the public but was not closed [s.5.94(3)(b)].</li> </ol> |
| <b>Delegates</b>                       | Director Corporate Services<br>Manager Governance, Strategy & Risk  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Must comply with all relevant Policies.</li> </ul>   |
| <b>Express power to subdelegate</b>    | Nil   |
| <b>Statutory framework</b>             | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.   |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's document management system.   |
| <b>Date adopted</b>                    | 28 April 2022   |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017  |



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| <b>Delegation</b>                      | <b>1.3.9 Financial Management Systems and Procedures</b>  |
| <b>Category</b>                        | CEO to Employees  |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations  |
| <b>Delegator</b>                       | Chief Executive Officer   |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees  |
| <b>Express power or duty delegated</b> | <i>Local Government (Financial Management) Regulations 1996:</i><br>r.5 CEO's Duties as to financial management   |
| <b>Function</b>                        | <p>1. Authority to establish systems and procedures [FM r.5] that give effect to internal controls and risk mitigation for the:</p> <ol style="list-style-type: none"> <li>i. Collection of money owed to the Shire of Broome;</li> <li>ii. Safe custody and security of money collected or held by the Shire of Broome;</li> <li>iii. Maintenance and security of all financial records, including payroll, stock control and costing records;</li> <li>iv. Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities;</li> <li>v. Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards;</li> <li>vi. Making of payments in accordance with Delegated Authority XXX;</li> <li>vii. Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements.</li> </ol> |
| <b>Delegates</b>                       | Director Corporate Services<br>Manager Financial Services   |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles</li> <li>▪ Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within each 3 financial years. [Audit r.17]</li> <li>▪ Must comply with all relevant Policies.</li> </ul>  |
| <b>Express power to subdelegate</b>    | Nil   |
| <b>Statutory framework</b>             | <p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government Act 1995</a></p> <p><a href="#">Local Government (Financial Management) Regulations 1996</a></p> <p><a href="#">Local Government (Audit) Regulations 1996</a></p> <p><a href="#">Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards</a></p>   |

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| <b>Record keeping</b>      | Delegations exercised are to be recorded in the Shire's document management system. |
| <b>Date adopted</b>        | 28 April 2022   |
| <b>Adoption references</b> | Item 9.4.1 Minute No. C/0422/017  |

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| <b>Delegation</b>                      | <b>1.3.10 Audit – CEO Review of Systems and Procedures</b>   |
| <b>Category</b>                        | CEO to Employees   |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations   |
| <b>Delegator</b>                       | Chief Executive Officer  |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees   |
| <b>Express power or duty delegated</b> | <i>Local Government (Audit) Regulations 1996:</i><br>r.17 CEO to review certain systems and procedures   |
| <b>Function</b>                        | 1. Authority to conduct the review of the appropriateness and effectiveness of the Shire of Broome's systems and procedures in relation to <ol style="list-style-type: none"> <li>i. risk management; and</li> <li>ii. internal controls; and</li> <li>iii. legislative compliance [r.17(1)].</li> </ol>   |
| <b>Delegates</b>                       | Director Corporate Services<br>Manager Governance, Strategy & Risk   |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Each matter is to be reviewed at least once within every 3 financial years, with a report on each matter to be provided to the Audit and Risk Committee that details the findings, including any identified deficiencies, and actions required.</li> <li>▪ Must comply with all relevant Policies.</li> </ul> |
| <b>Express power to subdelegate</b>    | Nil  |
| <b>Statutory framework</b>             | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br><a href="#">Local Government (Audit) Regulations 1996</a>   |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Shire's document management system.  |
| <b>Date adopted</b>                    | 28 April 2022  |
| <b>Adoption references</b>             | Item 9.4.3 Minute No. C/0321/009   |

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| <b>Delegation</b>                      | <b>1.3.11 Infringement Notices – Withdrawal and Extension of Time</b>   |
| <b>Category</b>                        | CEO to Employees  |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations  |
| <b>Delegator</b>                       | Chief Executive Officer   |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees  |
| <b>Express power or duty delegated</b> | <i>Local Government Act 1995:</i><br>s.9.13(6)(b) Onus of proof in vehicle offences may be shifted<br>s.9.19 Extension of Time<br>s.9.20 Withdrawal of Notice<br><i>Building Regulations 2012:</i><br>Regulation 70(1A), (1), (2) Approved officers and authorised officers   |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to consider an owner of a vehicle’s submission that the vehicle that is subject of an infringement notice, had been stolen or unlawfully taken at the time of the alleged offence [s.9.13(6)(b)].</li> <li>2. Authority to extend the 28-day period within which payment of a modified penalty may be paid, whether or not the period of 28-days has elapsed [s.9.19].</li> <li>3. Authority to withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s.9.20].</li> </ol>  |
| <b>Delegates</b>                       | Director Development Services<br>Manager Environmental Health, Emergency and Rangers<br>Manager Planning and Building Services  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ A delegate who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this Delegation.</li> <li>▪ Delegation for Dog Act, Cat Act, Dogs Local Law 2012, Parking and Parking Facilities Local Law 2012, Parking Local Law, Property and Public Places Local Law 2016 and Trading, Outdoor Dining and Street Entertainment Local Law 2016 Infringement Notices is limited to the following listed positions ONLY: <ul style="list-style-type: none"> <li>◦ <b>Director Development Services</b></li> <li>◦ <b>Manager Environmental Health, Emergency and Rangers</b></li> </ul> </li> <li>▪ The following listed positions are delegated the functions under s.9.19 and s.9.20 only as a <u>precondition for appointment</u> as an “Approved Officer” in accordance with <i>Building Regulation 70(1)</i> for the purposes of the <i>Criminal Procedure Act 2004</i> section 6(a) and <i>Building Act 2011</i> Infringement Notices: <ul style="list-style-type: none"> <li>◦ <b>Director Development Services</b></li> <li>◦ <b>Manager Planning and Building</b></li> </ul> </li> </ul> <p>NOTE: Delegates must also be appointed as an “Approved Officer” – appointment to be determined by Council resolution or by a person with delegated authority under delegation 2.1.10.</p> <ul style="list-style-type: none"> <li>▪ Must comply with all relevant Policies.</li> </ul> |
| <b>Express power to subdelegate</b>    | Nil   |



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| <b>Statutory framework</b> | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br><br><a href="#">Parking and Parking Facilities Local Law 2012</a> |
| <b>Record keeping</b>      | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's document management system.    |
| <b>Date adopted</b>        | 28 April 2022  |
| <b>Adoption references</b> | Item 9.4.1 Minute No. C/0422/017   |

## 01.4 Local Law Delegations to CEO

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| <b>Delegation</b>                      | <b>1.4.1 Cemeteries Local Law 2012</b>  |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations  |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <p><i>Local Government Act 1995</i><br/>s.5.42 Delegation of some powers of duties to the CEO<br/>s.5.43 Limitations on delegations to the CEO</p> <p><i>Cemeteries Local Law 2012</i><br/>cl.2.1 Powers and functions of the CEO</p>   |
| <b>Express power or duty delegated</b> | <p>Cemeteries Local Law 2012</p> <p>Part 4 - Funeral Directors<br/>Clause 4.3 Application refusal</p> <p>Part 5 - Funerals<br/>Clause 5.6 Conduct of funeral by the Board (Shire of Broome)<br/>Clause 5.7 Disposal of ashes</p> <p>Part 7 - Memorials and Other Work<br/>Clause 7.5 Removal of sand, soil or loam<br/>Clause 7.6 Hours of work<br/>Clause 7.8 Use of wood<br/>Clause 7.16 Monumental mason's licence<br/>Clause 7.18 Carrying out monumental work<br/>Clause 7.20 Cancellation of a monumental mason's licence</p> <p>Part 8 - General<br/>Clause 8.3 Damaging and removing objects<br/>Clause 8.6 Advertising</p>   |
| <b>Function</b>                        | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. refuse an application for a single funeral permit [cl.4.3]</li> <li>2. grant approval to conduct a funeral by the Board (Shire of Broome) [cl.5.6]</li> <li>3. grant permission for ashes to be disposed [cl.5.7]</li> <li>4. approve removal of sand, soil or loam [cl.7.5]</li> <li>5. approve hours of work [cl.7.6]</li> <li>6. approve use of wood [cl.7.8]</li> <li>7. approve applications for monumental mason's licence [cl.7.16(1)]</li> <li>8. approve conditions on monumental mason's licence [cl.7.16(2)]</li> <li>9. authorise monumental work other than by the holder or employee of a current monumental mason's licence [cl.7.18(c)]</li> <li>10. cancel a monumental mason's licence [cl.7.20(1)]</li> <li>11. approve the removing of objects [cl.8.3]</li> <li>12. approve application to advertise or carry on any trade, business or profession within the cemetery and determine any conditions [cl.8.6 (1) &amp; (2)]</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer   |

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| <b>Conditions</b>                   | <ul style="list-style-type: none"> <li>• Must comply with conditions contained in the Cemeteries Local Law 2012</li> <li>• Must comply with all relevant Policies</li> </ul>                             |
| <b>Express power to subdelegate</b> | <i>Local Government Act 1995</i><br>s.5.44 CEO may delegate some powers and duties to other employees  |
| <b>Subdelegates</b>                 | Director Corporate Services<br>Director Infrastructure<br>Manager Governance, Strategy & Risk  |
| <b>Subdelegate conditions</b>       | Conditions on the Delegate also apply to the Subdelegates.   |
| <b>Statutory framework</b>          | Note - The Objections and Review provisions of Division 1 of Part 9 of the <i>Local Government Act 1995</i> and regulation 33 of <i>Local Government (Functions and General) Regulations 1996</i> apply. |
| <b>Record keeping</b>               | Delegations exercised are to be recorded in the Attain Compliance System<br><br>Any supporting information should be recorded in the Shire's record management system                                    |
| <b>Date adopted</b>                 | 28 April 2022  |
| <b>Adoption references</b>          | Item 9.4.1 Minute No. C/0422/017   |

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| <b>Delegation</b>                      | <b>1.4.2 Local Government Property and Public Places Local Law 2016</b>  |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO  |
| <b>Express power or duty delegated</b> | <i>Local Government Property and Public Places Local Law 2016</i><br>Part 2 - Determinations in respect of local government property<br>Clause 2.3 Discretion to erect sign<br>Part 3 - Permits<br>Clause 3.2 Activities needing a permit<br>Clause 3.5 Application for permit<br>Clause 3.6 Decision on application for permit<br>Clause 3.9 Compliance with and variation of conditions<br>Clause 3.12 Transfer of permit<br>Clause 3.14 Cancellation of permit<br>Part 4 - Behaviour in public places<br>Clause 4.7 No refund of fees<br>Clause 4.8 Signs<br>Part 5 - Hiring of local government property<br>Clause 5.1 Application for hire<br>Clause 5.2 Decision on application where 2 or more applicants<br>Part 6 - Swimming pools and water parks<br>Clause 6.8 Closure of pool premises<br>Part 7 - Beaches and bathing<br>Clause 7.3 Surf lifesaving activities<br>Part 8 - Activities on verges and footpaths<br>Clause 8.6 Enforcement<br>Part 10 - Damage to and closed thoroughfares<br>Clause 10.1 Notice to repair damage to thoroughfare<br>Part 12 - Secured sum<br>Clause 12.1 Security for restoration and reinstatement<br>Part 13 - Remedy for breach<br>Clause 13.1 Notice requiring works to be done |

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| <b>Function</b>                     | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. erect a sign to give notice of the effect of a determination [cl.2.3]</li> <li>2. exempt a person from needing a permit [cl.3.2(3)]</li> <li>3. require an applicant to provide additional information for a permit application [cl3.5(3)]</li> <li>4. require applicant to give local public notice of the application for a permit [cl3.5(5)]</li> <li>5. refuse to consider an application for a permit which is not in accordance with subclause (2) [cl.3.5(5)]</li> <li>6. approve an application for a permit unconditionally or subject to any conditions or refuse to approve an application for a permit [cl3.6(1)]</li> <li>7. vary the conditions of a permit [cl3.9(2)]</li> <li>8. approve the transfer of a permit [cl.3.12(2)]</li> <li>9. cancel a permit [cl.3.14(1)]</li> <li>10. where the hire of local government property is cancelled , authorise refund of part or all of the amount paid [cl.4.7(2)]</li> <li>11. erect a sign specifying any conditions of use which apply [cl4.8(1)]</li> <li>12. approve applications to hire local government property [cl5.1(1)]</li> <li>13. determine that application and permit requirements do not apply to the hiring of a particular local government property or a class of local government property [cl.5.1(2)]</li> <li>14. determine which, if any applicant will be granted an approval to hire where 2 or more applicants [cl5.2]</li> <li>15. approve closure of pool premises [cl.6.8(1) &amp; (2)]</li> <li>16. authorise members of surf life saving club or local government employee to perform functions in the interests of maintaining safety at beaches [cl7.3]</li> <li>17. give a notice, requiring the owner or occupier of any land adjacent to a verge to make good, give satisfactory reason why the verge treatment should be retained without alteration, or why extra time should be given to comply with notice [cl.8.6]</li> <li>18. issue notice to repair or replace that portion of the thoroughfare damaged [cl10.1]</li> <li>19. require payment of a bond [cl12.1(1)]</li> <li>20. issue breach notice and require rectification within specified time [cl.13.1(1)]</li> <li>21. remedy breach where approval holder or person fails to do so [cl13.1(3)]</li> <li>22. recover costs from approval holder or person for remedying breach [cl13.1(4)]</li> </ol> |
| <b>Delegates</b>                    | Chief Executive Officer  |
| <b>Conditions</b>                   | <ul style="list-style-type: none"> <li>• Must comply with conditions contained in the Local Government Property and Public Places Local Law 2016</li> <li>• Must comply with all relevant Policies</li> </ul>  |
| <b>Express power to subdelegate</b> | <p><i>Local Government Act 1995</i><br/>s.5.44 CEO may delegate some powers and duties to other employees</p>  |
| <b>Subdelegates</b>                 | <p>Director Corporate Services<br/> Director Development Services<br/> Director Infrastructure<br/> Manager Community Facilities<br/> Manager Environmental Health, Emergency and Rangers<br/> Manager Operations<br/> Manager Planning and Building Services</p>  |
| <b>Subdelegate conditions</b>       | Conditions on the Delegate also apply to the Subdelegates.   |
| <b>Statutory framework</b>          | <p>Note - The Objections and Review provisions of Division 1 of Part 9 of the <i>Local Government Act 1995</i> and regulation 33 of <i>Local Government (Functions and General) Regulations 1996</i> apply</p>   |

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| <b>Record keeping</b>      | Delegations exercised are to be recorded in the Attain Compliance System<br>Any supporting information should be recorded in the Shire's record management system |
| <b>Date adopted</b>        | 28 April 2022   |
| <b>Adoption references</b> | Item 9.4.1 Minute No. C/0422/017  |

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| <b>Delegation</b>                      | <b>1.4.3 Trading, Outdoor Dining and Street Entertainment Local Law 2016</b>   |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 01 Local Government Act 1995 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO  |
| <b>Express power or duty delegated</b> | <i>Trading, Outdoor Dining and Street Entertainment Local Law 2016</i><br>Part 2 - Application for licence and and issue of licence<br>Clause 2.3 Determination of application<br>Clause 2.4 Issue of licence<br>Clause 2.5 Licence renewal<br>Clause 2.7 Cancellation of licence<br>Clause 2.8 Suspension of licence rights and privileges<br>Part 3 - Outdoor Dining<br>Clause 3.2 Limitations on outdoor dining<br>Clause 3.4 Outdoor dining licence<br>Clause 3.6 Cancellation of an outdoor dining licence<br>Part 4 - Markets<br>Clause 4.2 Limitations on markets<br>Clause 4.6 Responsibilities of licensee<br>Part 5 - Trading<br>Clause 5.2 Limitations on trading<br>Part 6 - Street Entertainment<br>Clause 6.7 Cancellation or variation of a street entertainment licence<br>Part 7 - Secured sum<br>Clause 7.1 Security for restoration and reinstatement<br>Clause 7.2 Use by local government of secured sum<br>Part 8 - Miscellaneous<br>Clause 8.2 Notice requiring works to be done to remedy breach |

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| <b>Function</b>                     | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. approve licence application [cl.2.3.1(b)]</li> <li>2. refuse licence application [cl.2.3.1(a)]</li> <li>3. determine licence conditions [cl.2.3.3]</li> <li>4. vary the terms and conditions of a licence [cl.2.4.4]</li> <li>5. approve the renewal of a licence [cl.2.5.1]</li> <li>6. cancel a licence [cl.2.7(a) - (g)] *</li> <li>7. suspend a licence [cl.2.8.2] *</li> <li>8. approve the transfer of an outdoor trading licence [cl.3.2.1(b)] *</li> <li>9. approve the commencement of outdoor dining [cl.3.4.2]</li> <li>10. cancel an outdoor dining licence [cl.3.6.1] *</li> <li>11. approve the transfer of a market licence [cl.4.2.1] *</li> <li>12. approve the post market stall area return condition [cl.4.6.3]</li> <li>13. approve the transfer of a trading licence [cl.5.2.1] *</li> <li>14. cancel or vary a street entertainment licence [cl.6.7] *</li> <li>15. determine when a bond, bank guarantee or other form of security required [cl.7.1.1]</li> <li>16. determine the amount of bond, bank guarantee or other form of security [cl.7.1.3] *</li> <li>17. issue a notice requiring restoration and reinstatement work [cl.7.2.1]</li> <li>18. complete restoration and reinstatement work where licensee fails to do so [cl.7.2.1] *</li> <li>19. recover costs of restoration and reinstatement work from licensee [cl.7.2.2]</li> <li>20. apply the proceeds from security held towards costs incurred [cl.7.2.3] *</li> <li>21. issue a notice to licensee to remedy breach [cl.8.2.1]</li> <li>22. remedy breach where licensee fails to do so [cl.8.2.3] *</li> <li>23. recover costs from licensee for remedying breach [cl.8.2.4]</li> </ol> |
| <b>Delegates</b>                    | Chief Executive Officer   |
| <b>Conditions</b>                   | <ul style="list-style-type: none"> <li>• Must comply with conditions contained in the Trading, Outdoor Dining and Street Entertainment Local Law 2016.</li> <li>• Must comply with Council's Trading in Public Places Policy</li> <li>• Must comply with Council's Local Planning Policy - Outdoor Dining</li> <li>• In accordance with Schedule 1, Clause 3 of the Trading in Public Places Policy this delegation does not extend to granting a trading licence on Cable Beach beyond the maximum six trading licences. This would require a Council decision.</li> </ul>   |
| <b>Express power to subdelegate</b> | <p><i>Local Government Act 1995</i><br/>s.5.44 CEO may delegate some powers and duties to other employees</p>   |
| <b>Subdelegates</b>                 | <p>Coordinator Planning Services<br/> Director Development Services<br/> Manager Environmental Health, Emergency and Rangers<br/> Manager Planning and Building Services</p>  |
| <b>Subdelegate conditions</b>       | <p>Conditions on the Delegate also apply to the Subdelegates.</p> <p>* Delegation of Functions 6, 7, 8, 10, 11, 13, 14, 16, 18, 20, 22 is limited to the Director Development Services</p>  |
| <b>Statutory framework</b>          | <p>Note - Decisions exercised under this delegation may be referred for review by the State Administrative Tribunal</p>   |
| <b>Policy</b>                       | <p><a href="#">Trading, Outdoor Dining and Street Entertainment Local Law 2016</a><br/> <a href="#">Trading in Public Places Policy</a><br/> <a href="#">Local Planning Policy - Outdoor Dining</a></p>   |



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| <b>Record keeping</b>      | Delegations exercised are to be recorded in the Attain Compliance System<br>Any supporting information should be recorded in the Shire's record management system |
| <b>Date adopted</b>        | 28 April 2022   |
| <b>Adoption references</b> | Item 9.4.1 Minute No. C/0422/017  |

## 02 Building Act 2011 Delegations

Building Act 2011

## 02.1 Council to CEO

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| <b>Delegation</b>                      | <b>2.1.1 Grant a Building Permit</b>  |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 02 Building Act 2011 Delegations  |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <i>Building Act 2011:</i><br>s.127(1) & (3) Delegation: special permit authorities and local government   |
| <b>Express power or duty delegated</b> | <i>Building Act 2011:</i><br>s.18 Further Information<br>s.20 Grant of building permit<br>s.22 Further grounds for not granting an application<br>s.27(1) and (3) Impose Conditions on Permit<br><br><i>Building Regulations 2012:</i><br>r.23 Application to extend time during which permit has effect (s.32)<br>r.24 Extension of time during which permit has effect (s.32(3))<br>r.26 Approval of new responsible person (s.35(c))   |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)].</li> <li>2. Authority to grant or refuse to grant a building permit [s.20(1) &amp; (2) and s.22].</li> <li>3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and(3)].</li> <li>4. Authority to determine an application to extend time during which a building permit has effect [r.23]. <ol style="list-style-type: none"> <li>i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]</li> <li>ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)].</li> </ol> </li> <li>5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer   |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the Building Regulations 2012.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>  |
| <b>Express power to subdelegate</b>    | <i>Building Act 2011:</i><br>s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)   |

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| <b>Subdelegates</b>           | Coordinator Building Services<br>Director Development Services<br>Manager Planning and Building Services  |
| <b>Subdelegate conditions</b> | Conditions on the Delegate also apply to the Subdelegate.   |
| <b>Statutory framework</b>    | <p><a href="#">Building Act 2011</a><br/>s.119 Building and demolition permits – application for review by SAT<br/>s.23 Time for deciding application for building or demolition permit<br/>s.17 Uncertified application to be considered by building surveyor</p> <p><a href="#">Building Regulations 2012</a> – r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT</p> <p><i>Building Services (Registration Act) 2011</i> – Section 7</p> <p><i>Home Building Contracts Act 1991</i> – Part 3A, Division 2 – Part 7, Division 2</p> <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage Act 2018</i></p> |
| <b>Record keeping</b>         | Delegations exercised are to be recorded to the property file within the Shire's document management system.  |
| <b>Date adopted</b>           | 28 April 2022   |
| <b>Adoption references</b>    | Item 9.4.1 Minute No. C/0422/017  |

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| <b>Delegation</b>                      | <b>2.1.2 Demolition Permits</b>  |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 02 Building Act 2011 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Building Act 2011:</i><br>s.127(1) & (3) Delegation: special permit authorities and local government  |
| <b>Express power or duty delegated</b> | <i>Building Act 2011:</i><br>s.18 Further Information<br>s.21 Grant of demolition permit<br>s.22 Further grounds for not granting an application<br>s.27(1) and (3) Impose Conditions on Permit<br><br><i>Building Regulations 2012</i><br>r.23 Application to extend time during which permit has effect (s.32)<br>r.24 Extension of time during which permit has effect (s.32(3))<br>r.26 Approval of new responsible person (s.35(c))   |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)].</li> <li>2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) &amp; (2) and s.22].</li> <li>3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and(3)].</li> <li>4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]. <ol style="list-style-type: none"> <li>i. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]</li> <li>ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)].</li> </ol> </li> <li>5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the Building Regulations 2012.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>   |
| <b>Express power to subdelegate</b>    | <i>Building Act 2011:</i><br>s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)  |
| <b>Subdelegates</b>                    | Coordinator Building Services<br>Director Development Services<br>Manager Planning and Building Services   |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.   |

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| <b>Statutory framework</b> | <p><a href="#"><u>Building Act 2011</u></a><br/> s.119 Building and demolition permits – application for review by SAT<br/> s.23 Time for deciding application for building or demolition permit</p> <p><i>Building Services (Complaint Resolution and Administration) Act 2011 -- Part 7, Division 2</i></p> <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage Act 2018</i></p> |
| <b>Record keeping</b>      | Delegations exercised are to be recorded to the property file within the Shire's document management system.  |
| <b>Date adopted</b>        | 28 April 2022   |
| <b>Adoption references</b> | Item 9.4.1 Minute No. C/0422/017  |

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| <b>Delegation</b>                      | <b>2.1.3 Occupancy Permits or Building Approval Certificates</b>   |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 02 Building Act 2011 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Building Act 2011:</i><br>s.127(1) & (3) Delegation: special permit authorities and local government  |
| <b>Express power or duty delegated</b> | <i>Building Act 2011:</i><br>s.55 Further information<br>s.58 Grant of occupancy permit, building approval certificate<br>s.62(1) and (3) Conditions imposed by permit authority<br>s.65(4) Extension of period of duration<br><br><i>Building Regulations 2012</i><br>r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)   |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55].</li> <li>2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58].</li> <li>3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)].</li> <li>4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40].</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the Building Regulations 2012.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>   |
| <b>Express power to subdelegate</b>    | <i>Building Act 2011:</i><br>s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)  |
| <b>Subdelegates</b>                    | Coordinator Building Services<br>Director Development Services<br>Manager Planning and Building Services   |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.   |

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| <b>Statutory framework</b> | <p><a href="#"><u>Building Act 2011</u></a><br/> s.59 time for granting occupancy permit or building approval certificate<br/> s.60 Notice of decision not to grant occupancy permit or grant building approval certificate<br/> s.121 Occupancy permits and building approval certificates – application for review by SAT</p> <p><i>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2</i></p> <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage Act 2018</i></p> |
| <b>Record keeping</b>      | Delegations exercised are to be recorded to the property file within the Shire's document management system.  |
| <b>Date adopted</b>        | 28 April 2022   |
| <b>Adoption references</b> | Item 9.4.1 Minute No. C/0422/017  |

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| <b>Delegation</b>                      | <b>2.1.4 Designate Employees as Authorised Persons</b>  |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 02 Building Act 2011 Delegations  |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <i>Building Act 2011:</i><br>s.127(1) & (3) Delegation: special permit authorities and local government   |
| <b>Express power or duty delegated</b> | <i>Building Act 2011:</i><br>s.96(3) authorised persons<br>s.99(3) Limitation on powers of authorised person  |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to designate an employee as an authorised person [s.96(3)].</li> <li>2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)].</li> </ol> <p>NOTE: An authorised person for the purposes of sections 96(3) and 99(3) is <u>not an approved officer or authorised officer</u> for the purposes of Building Reg. 70.</p> |
| <b>Delegates</b>                       | Chief Executive Officer   |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Decisions under this delegated authority should be in accordance with r.5 of the <i>Building Regulations 2012</i>.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>   |
| <b>Express power to subdelegate</b>    | <i>Building Act 2011:</i><br>s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)   |
| <b>Subdelegates</b>                    | Director Corporate Services   |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegate.   |
| <b>Statutory framework</b>             | <i>Building Act 2011:</i><br>s.97 each designated authorised person must have an identity card.<br>r.5A Authorised persons (s.3) – definition   |
| <b>Record keeping</b>                  | <p>Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file.</p> <p>A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.</p> <p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p>  |
| <b>Date adopted</b>                    | 28 April 2022   |



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| <b>Delegation</b>                      | <b>2.1.5 Building Orders</b>   |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 02 Building Act 2011 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Building Act 2011:</i><br>s.127(1) & (3) Delegation: special permit authorities and local government  |
| <b>Express power or duty delegated</b> | <i>Building Act 2011:</i><br>s.110(1) A permit authority may make a building order<br>s.111(1) Notice of proposed building order other than building order (emergency)<br>s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect<br>s.118(2) and (3) Permit authority may give effect to building order if non-compliance<br>s.133(1) A permit authority may commence a prosecution for an offence against this Act   |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> <li>a. Building work</li> <li>b. Demolition work</li> <li>c. An existing building or incidental structure [s.110(1)].</li> </ol> </li> <li>2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)].</li> <li>3. Authority to revoke a building order [s.117].</li> <li>4. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> <li>a. take any action specified in the order ; or</li> <li>b. commence or complete any work specified in the order; or</li> <li>c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)].</li> </ol> </li> <li>5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)].</li> <li>6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the <i>Building Act 2011</i>.</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the <i>Building Regulations 2012</i>.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>  |
| <b>Express power to subdelegate</b>    | <i>Building Act 2011:</i><br>s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)  |
| <b>Subdelegates</b>                    | Coordinator Building Services<br>Director Development Services<br>Manager Planning and Building Services   |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates,   |

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| <b>Statutory framework</b> | <a href="#"><u>Building Act 2011:</u></a><br>Section 111 Notice of proposed building order other than building order (emergency)<br>Section 112 Content of building order<br>Section 113 Limitation on effect of building order<br>Section 114 Service of building order<br>Part 9 Review - s.122 Building orders – application for review by SAT |
| <b>Record keeping</b>      | Delegations exercised are to be recorded to the property file within the Shire's document management system   |
| <b>Date adopted</b>        | 28 April 2022   |
| <b>Adoption references</b> | Item 9.4.1 Minute No. C/0422/017  |

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| <b>Delegation</b>                      | <b>2.1.6 Inspection and Copies of Building Records</b>  |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 02 Building Act 2011 Delegations  |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <i>Building Act 2011:</i><br>s.127(1) & (3) Delegation: special permit authorities and local government                                       |
| <b>Express power or duty delegated</b> | <i>Building Act 2011:</i><br>s.131(2) Inspection, copies of building records  |
| <b>Function</b>                        | 1. Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].                          |
| <b>Delegates</b>                       | Chief Executive Officer   |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Must comply with all relevant Policies.</li> </ul>   |
| <b>Express power to subdelegate</b>    | <i>Building Act 2011:</i><br>s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |
| <b>Subdelegates</b>                    | Coordinator Building Services<br>Director Development Services<br>Manager Planning and Building Services                                      |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.  |
| <b>Statutory framework</b>             | <a href="#">Building Act 2011</a> - s.146 Confidentiality   |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded to the property file within the Shire's document management system.                                  |
| <b>Date adopted</b>                    | 28 April 2022   |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017  |

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| <b>Delegation</b>                      | <b>2.1.7 Referrals and Issuing Certificates</b>  |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 02 Building Act 2011 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Building Act 2011:</i><br>s.127(1) & (3) Delegation: special permit authorities and local government  |
| <b>Express power or duty delegated</b> | <i>Building Act 2011:</i><br>s.145A Local Government functions   |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)].</li> <li>2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire of Broome's District [s.145A(2)].</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the <i>Building Regulations 2012</i>.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>  |
| <b>Express power to subdelegate</b>    | <i>Building Act 2011:</i><br>s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)  |
| <b>Subdelegates</b>                    | Coordinator Building Services<br>Director Development Services<br>Manager Planning and Building Services   |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.   |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded to the property file within the Shire's document management system.   |
| <b>Date adopted</b>                    | 28 April 2022  |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017   |

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| <b>Delegation</b>                      | <b>2.1.8 Private Pool Barrier – Alternative and Performance Solutions</b>  |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 02 Building Act 2011 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Building Act 2011:</i><br>s.127(1) & (3) Delegation: special permit authorities and local government  |
| <b>Express power or duty delegated</b> | <i>Building Regulations 2012:</i><br>r.51 Approvals by permit authority  |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliant with AS 1926.1 [r.51(2)]</li> <li>2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)]</li> <li>3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)].</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the Building Regulations 2012.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>   |
| <b>Express power to subdelegate</b>    | <i>Building Act 2011:</i><br>s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)  |
| <b>Subdelegates</b>                    | Coordinator Building Services<br>Director Development Services<br>Manager Planning and Building Services   |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.   |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded to the property file within the Shire's document management system.   |
| <b>Date adopted</b>                    | 28 April 2022  |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017   |

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| <b>Delegation</b>                      | <b>2.1.9 Smoke Alarms – Alternative Solutions</b>   |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 02 Building Act 2011 Delegations  |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <i>Building Act 2011:</i><br>s.127(1) & (3) Delegation: special permit authorities and local government   |
| <b>Express power or duty delegated</b> | <i>Building Regulations 2012:</i><br>r.55 Terms Used (alternative building solution approval)<br>r.61 Local Government approval of battery powered smoke alarms   |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55].</li> <li>2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer   |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the <i>Building Regulations 2012</i>.</li> <li>▪ Must comply with all relevant Policies</li> </ul>  |
| <b>Express power to subdelegate</b>    | <i>Building Act 2011:</i><br>s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)   |
| <b>Subdelegates</b>                    | Coordinator Building Services<br>Director Development Services<br>Manager Planning and Building Services  |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.  |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded to the property file within the Shire's document management system.  |
| <b>Date adopted</b>                    | 28 April 2022   |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017  |

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| <b>Delegation</b>                      | <b>2.1.10 Appointment of approved officers and authorised officers</b>  |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 02 Building Act 2011 Delegations  |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <i>Building Act 2011:</i><br>s.127(1) & (3) Delegation: special permit authorities and local government   |
| <b>Express power or duty delegated</b> | <i>Building Regulations 2012:</i><br>r.70 Approved officers and authorised officers   |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to appoint an approved officer for the purposes of s.6(a) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(1) and (1A). <i>NOTE: Only employees delegated under s 5.44(1) of the Local Government Act 1995 with power under s 9.19 or 9.20 may be appointed as "approved officers".</i></li> <li>2. Authority to appoint an authorised officer for the purposes of s.6(b) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(2).</li> </ol> <p><i>NOTE: Only employees appointed under s 9.10 of the Local Government Act 1995 and authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as "authorised officers" for the purposes of Building Regulation 70(2).</i></p> |
| <b>Delegates</b>                       | Chief Executive Officer   |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Must comply with all relevant Policies</li> </ul>  |
| <b>Express power to subdelegate</b>    | <i>Building Act 2011:</i><br>s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)   |
| <b>Subdelegates</b>                    | Director Corporate Services   |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegate.   |
| <b>Statutory framework</b>             | <i>Building Regulations 2012:</i><br>r 70(3) each authorised officer must be issued a certificate of appointment  |
| <b>Record keeping</b>                  | <p>Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file.</p> <p>A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.</p> <p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p>  |
| <b>Date adopted</b>                    | 28 April 2022   |



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## 03 Bush Fires Act 1954 Delegations

Bush Fires Act 1954

## 03.1 Council to CEO, Mayor and Bush Fire Control Officer

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| <b>Delegation</b>                      | <b>3.1.1 Make Request to FES Commissioner – Control of Fire</b>   |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 03 Bush Fires Act 1954 Delegations  |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <i>Bush Fires Act 1954:</i><br>s.48 Delegation by local government  |
| <b>Express power or duty delegated</b> | <i>Bush Fires Act 1954:</i><br>s.13(4) Duties and powers of bush fire liaison officers  |
| <b>Function</b>                        | 1. Authority to request on behalf of the Shire of Broome that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s.13(4)].                  |
| <b>Delegates</b>                       | Chief Executive Officer   |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Must comply with all relevant Polices.</li> </ul>  |
| <b>Express power to subdelegate</b>    | NIL – Sub-delegation is prohibited by s.48(3)   |
| <b>Statutory framework</b>             | Note: Any reference to CEO in the Bush Fires Act 1954 means the CEO of the Department of Biodiversity, Conservation and Attractions. No powers / duties are assigned to a Local Government CEO in this Act. |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's document management system.                                   |
| <b>Date adopted</b>                    | 28 April 2022   |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017  |

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| <b>Delegation</b>                      | <b>3.1.2 Prohibited Burning Times - Vary</b>   |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 03 Bush Fires Act 1954 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Bush Fires Act 1954:</i><br>s.48 Delegation by local government<br>s.17(10) Prohibited burning times may be declared by Minister (power of delegation to shire president and Chief Bush Fire Control Officer for ONLY powers under s.17(7) and (8))   |
| <b>Express power or duty delegated</b> | <i>Bush Fires Act 1954:</i><br>s.17(7) Prohibited burning times may be declared by Minister<br><i>Bush Fire Regulations 1954:</i><br>r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.<br>r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times<br>r.39B Crop dusters etc., use of in restricted or prohibited burning times |
| <b>Function</b>                        | 1. Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer [s.17 (7)].   |
| <b>Delegates</b>                       | Chief Bush Fire Control Officer<br>Shire President   |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Decisions under s,17(7) must be undertaken jointly by both the Shire President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).</li> <li>▪ Must comply with all relevant Policies.</li> </ul>  |
| <b>Express power to subdelegate</b>    | NIL – Sub-delegation is prohibited by s.48(3)  |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's document management system.  |
| <b>Date adopted</b>                    | 28 April 2022  |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017   |

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| <b>Delegation</b>                      | <b>3.1.3 Prohibited Burning Times – Control Activities</b>   |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 03 Bush Fires Act 1954 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Bush Fires Act 1954:</i><br>s.48 Delegation by local government   |
| <b>Express power or duty delegated</b> | <i>Bush Fires Act 1954:</i><br>s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions<br>s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land<br><i>Bush Fire Regulations 1954:</i><br>r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.<br>r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times<br>r.39B Crop dusters etc., use of in restricted or prohibited burning times  |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15].</li> <li>2. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].</li> <li>3. Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)].</li> <li>4. Authority to issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].</li> <li>5. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].</li> <li>6. Authority to recover the cost of measures taken by the Shire of Broome or Bush Fire Control Officer, to extinguish a fire burning during Prohibited Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Must comply with all relevant Policies.</li> </ul>  |
| <b>Express power to subdelegate</b>    | NIL – Sub-delegation is prohibited by s.48(3)  |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's document management system.  |
| <b>Date adopted</b>                    | 28 April 2022  |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017   |



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| <b>Delegation</b>                      | <b>3.1.4 Restricted Burning Times – Vary and Control Activities</b>   |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 03 Bush Fires Act 1954 Delegations  |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <i>Bush Fires Act 1954:</i><br>s.48 Delegation by local government  |
| <b>Express power or duty delegated</b> | <i>Bush Fires Act 1954:</i><br>s.18(5), (11) Restricted burning times may be declared by FES Commissioner<br>s.22(6) and (7) Burning on exempt land and land adjoining exempt land<br>s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions<br>s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land<br><i>Bush Fire Regulations 1954:</i><br>r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.<br>r.15C Local Government may prohibit burning on certain days<br>r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times<br>r.39B Crop dusters etc., use of in restricted or prohibited burning times   |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority, where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18(5)]. <ol style="list-style-type: none"> <li>a. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C].</li> </ol> </li> <li>2. Authority, where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)].</li> <li>3. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15].</li> <li>4. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)].</li> <li>5. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].</li> <li>6. Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B].</li> <li>7. Authority to issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].</li> <li>8. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].</li> <li>9. Authority to recover the cost of measures taken by the Shire of Broome or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].</li> </ol> |

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| <b>Delegates</b>                    | Chief Executive Officer  |
| <b>Conditions</b>                   | <ul style="list-style-type: none"> <li>▪ Must comply with all relevant Policies.</li> </ul>  |
| <b>Express power to subdelegate</b> | NIL – Sub-delegation is prohibited by s.48(3)  |
| <b>Record keeping</b>               | <p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p> |
| <b>Date adopted</b>                 | 28 April 2022  |
| <b>Adoption references</b>          | Item 9.4.1 Minute No. C/0422/017   |

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| <b>Delegation</b>                      | <b>3.1.5 Control of Operations Likely to Create Bush Fire Danger</b>   |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 03 Bush Fires Act 1954 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Bush Fires Act 1954:</i><br>s.48 Delegation by local government   |
| <b>Express power or duty delegated</b> | <i>Bush Fires Act 1954:</i><br>s.27D Requirements for carriage and deposit of incendiary material<br><i>Bush Fires Regulations 1954:</i><br>r.39C Welding and cutting apparatus, use of in open air<br>r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc.<br>r.39D Explosives, use of<br>r.39E Fireworks, use of   |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: <ol style="list-style-type: none"> <li>a. a person operating a bee smoker device during a prescribed period [r.39CA(5)].</li> <li>b. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)].</li> <li>c. a person using explosives [r.39D(2)].</li> <li>d. a person using fireworks [r.39E(3)].</li> </ol> </li> <li>2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D]. Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Must comply with all relevant Policies.</li> </ul>  |
| <b>Express power to subdelegate</b>    | NIL – Sub-delegation is prohibited by s.48(3)  |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's document management system.  |
| <b>Date adopted</b>                    | 28 April 2022  |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017   |



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| <b>Delegation</b>                      | <b>3.1.6 Burning Garden Refuse / Open Air Fires</b>   |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 03 Bush Fires Act 1954 Delegations  |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <i>Bush Fires Act 1954:</i><br>s.48 Delegation by local government  |
| <b>Express power or duty delegated</b> | <i>Bush Fires Act 1954:</i><br>s.24F Burning garden refuse during limited burning times<br>s.24G Minister or local government may further restrict burning of garden refuse<br>s.25 No fire to be lit in open air unless certain precautions taken<br>s.25A Power of Minister to exempt from provisions of section 25<br><br><i>Bush Fires Regulations 1954:</i><br>r.27(3) Permit, issue of  |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)].</li> <li>2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)]. <ol style="list-style-type: none"> <li>a. Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3) and r.33(5)].</li> <li>b. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plan growing upon any land within the District [r.34].</li> </ol> </li> <li>3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of: <ol style="list-style-type: none"> <li>a. camping or cooking [s.25(1)(a)].</li> <li>b. conversion of bush into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)].</li> </ol> </li> <li>4. Authority to prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s.25(1a) and (1b)].</li> <li>5. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)].</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer   |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Must comply to all relevant Policies</li> </ul>  |
| <b>Express power to subdelegate</b>    | NIL – Sub-delegation is prohibited by s.48(3)   |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's document management system.   |

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| <b>Date adopted</b>        | 28 April 2022                    |
| <b>Adoption references</b> | Item 9.4.1 Minute No. C/0422/017 |

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| <b>Delegation</b>                      | <b>3.1.7 Firebreaks</b>   |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 03 Bush Fires Act 1954 Delegations  |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <i>Bush Fires Act 1954:</i><br>s.48 Delegation by local government  |
| <b>Express power or duty delegated</b> | <i>Bush Fires Act 1954:</i><br>s.33 Local government may require occupier of land to plough or clear fire-breaks  |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Shire of Broome: <ol style="list-style-type: none"> <li>a. clearing of firebreaks as determined necessary and specified in the notice; and</li> <li>b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and</li> <li>c. as a separate or coordinated action with any other person carry out similar actions [s.33(1)].</li> </ol> </li> <li>2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)]. <ol style="list-style-type: none"> <li>a. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].</li> </ol> </li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer   |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Must comply to all relevant Policies.</li> </ul>   |
| <b>Express power to subdelegate</b>    | NIL – Sub-delegation is prohibited by s.48(3)   |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's document management system.   |
| <b>Date adopted</b>                    | 28 April 2022   |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017  |

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| <b>Delegation</b>                      | <b>3.1.8 Appoint Bush Fire Control Officer/s and Fire Weather Officer</b>  |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 03 Bush Fires Act 1954 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Bush Fires Act 1954:</i><br>s.48 Delegation by local government   |
| <b>Express power or duty delegated</b> | <i>Bush Fires Act 1954:</i><br>s.38 Local Government may appoint bush fire control officer   |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and <ol style="list-style-type: none"> <li>a. Of those Officers, appoint one as the Chief Bush Fire Control Officer and one as the Deputy Chief Bush Fire Control Officer; and</li> <li>b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)].</li> </ol> </li> <li>2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire of Broome [s.38 (5A)]</li> <li>3. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)]. <ol style="list-style-type: none"> <li>a. Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].</li> </ol> </li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Must comply with all relevant Policies.</li> </ul>  |
| <b>Express power to subdelegate</b>    | NIL – Sub-delegation is prohibited by s.48(3)  |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire’s document management system.  |
| <b>Date adopted</b>                    | 28 April 2022  |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017   |

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| <b>Delegation</b>                      | <b>3.1.9 Control and Extinguishment of Bush Fires</b>   |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 03 Bush Fires Act 1954 Delegations  |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <i>Bush Fires Act 1954:</i><br>s.48 Delegation by local government  |
| <b>Express power or duty delegated</b> | <i>Bush Fires Act 1954:</i><br>s.46 Bush fire control officer or forest officer may postpone lighting fire  |
| <b>Function</b>                        | <p>1. Authority to prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46(1A)].</p> <p>a. Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised CALM Act office is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)].</p> |
| <b>Delegates</b>                       | Chief Executive Officer   |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Must comply with all relevant Policies.</li> </ul>   |
| <b>Express power to subdelegate</b>    | NIL – Sub-delegation is prohibited by s.48(3)   |
| <b>Record keeping</b>                  | <p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p>  |
| <b>Date adopted</b>                    | 28 April 2022   |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017  |

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| <b>Delegation</b>                      | <b>3.1.10 Recovery of Expenses Incurred through Contraventions of this Act</b>   |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 03 Bush Fires Act 1954 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Bush Fires Act 1954:</i><br>s.48 Delegation by local government   |
| <b>Express power or duty delegated</b> | <i>Bush Fires Act 1954:</i><br>s.58 General penalty and recovery of expenses incurred  |
| <b>Function</b>                        | 1. Authority to recover expenses incurred as a result of an offence against the Bush Fires Act, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Shire of Broome or those on behalf of the Shire of Broome to do [s.58]. |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Must comply with all relevant Policies</li> </ul>   |
| <b>Express power to subdelegate</b>    | NIL – Sub-delegation is prohibited by s.48(3)  |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's document management system.  |
| <b>Date adopted</b>                    | 28 April 2022  |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017   |

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| <b>Delegation</b>                      | <b>3.1.11 Prosecution of Offences</b>   |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 03 Bush Fires Act 1954 Delegations  |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <i>Bush Fires Act 1954:</i><br>s.48 Delegation by local government  |
| <b>Express power or duty delegated</b> | <i>Bush Fires Act 1954:</i><br>s.59 Prosecution of offences<br>s.59A(2) Alternative procedure – infringement notices  |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59].</li> <li>2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)].</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer<br>Director Development Services<br>Manager Environmental Health, Emergency and Rangers   |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Must comply with all relevant Policies.</li> </ul>   |
| <b>Express power to subdelegate</b>    | NIL – Sub-delegation is prohibited by s.48(3)   |
| <b>Statutory framework</b>             | <i>Bush Fires Act 1954:</i><br>s.65 Proof of certain matters<br>s.66 Proof of ownership or occupancy  |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire’s document management system.   |
| <b>Date adopted</b>                    | 28 April 2022   |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017  |

## 04 Cat Act 2011 Delegations

Cat Act 2011

## 04.1 Council to CEO

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| <b>Delegation</b>                      | <b>4.1.1 Cat Registrations</b>   |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 04 Cat Act 2011 Delegations  |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Cat Act 2011:</i><br>s.44 Delegation by local government  |
| <b>Express power or duty delegated</b> | <i>Cat Act 2011:</i><br>s.9 Registration<br>s.10 Cancellation of registration<br>s.11 Registration numbers, certificates and tags<br><i>Cat Regulations 2012</i><br>Schedule 3, cl.1(4) Fees Payable   |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)].</li> <li>2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)].</li> <li>3. Authority to cancel a cat registration [s.10].</li> <li>4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)].</li> <li>5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire of Broome's District [Regs. Sch. 3 cl.1 (4)].</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i>.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>  |
| <b>Express power to subdelegate</b>    | <i>Cat Act 2011:</i><br>s.45 Delegation by CEO of local government   |
| <b>Subdelegates</b>                    | Coordinator Community Safety & Ranger Services<br>Director Development Services<br>Manager Environmental Health, Emergency and Rangers<br>Senior Ranger  |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.   |



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| <b>Statutory framework</b> | <p><i>Cat Regulations 2012</i></p> <p>r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration.</p> <p>r.12 Period of registration (s.9(7))</p> <p>r.11 Changes in registration</p> <p>r.14 Registration certificate (s.11(1)(b))</p> <p>r.15 Registration tags (s.76(2))</p> <p>Decisions are subject to Objection and Review by the State Administration Tribunal rights – refer Part 4, Division 5 of the <i>Cat Act 2011</i>.</p> |
| <b>Record keeping</b>      | Delegations exercised are to be recorded in the Shire's document management system.   |
| <b>Date adopted</b>        | 28 April 2022   |
| <b>Adoption references</b> | Item 9.4.1 Minute No. C/0422/017  |

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| <b>Delegation</b>                      | <b>4.1.2 Cat Control Notices</b>  |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 04 Cat Act 2011 Delegations   |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <i>Cat Act 2011:</i><br>s.44 Delegation by local government   |
| <b>Express power or duty delegated</b> | <i>Cat Act 2011:</i><br>s.26 Cat control notice may be given to cat owner   |
| <b>Function</b>                        | 1. Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire of Broome's District [s.26].                             |
| <b>Delegates</b>                       | Chief Executive Officer   |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Must comply with all relevant Policies.</li> </ul>   |
| <b>Express power to subdelegate</b>    | <i>Cat Act 2011:</i><br>s.45 Delegation by CEO of local government  |
| <b>Subdelegates</b>                    | Coordinator Community Safety & Ranger Services<br>Director Development Services<br>Manager Environmental Health, Emergency and Rangers                                    |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.  |
| <b>Statutory framework</b>             | <i>Cat Regulations 2012</i> – r.20 Cat control notice [s.23(3)], prescribes the Form of the notice.   |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's document management system. |
| <b>Date adopted</b>                    | 28 April 2022   |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017  |

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| <b>Delegation</b>                      | <b>4.1.3 Approval to Breed Cats</b>  |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 04 Cat Act 2011 Delegations  |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Cat Act 2011:</i><br>s.44 Delegation by local government  |
| <b>Express power or duty delegated</b> | <i>Cat Act 2011:</i><br>s.37 Approval to Breed Cats<br>s.38 Cancellation of approval to breed cats<br>s.39 Certificate to be given to approved cat breeder   |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37 (1) and (2)].</li> <li>2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)].</li> <li>3. Authority to cancel an approval to breed cats [s.38].</li> <li>4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)].</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the Cat Act 2011.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>   |
| <b>Express power to subdelegate</b>    | <i>Cat Act 2011:</i><br>s.45 Delegation by CEO of local government   |
| <b>Subdelegates</b>                    | Coordinator Community Safety & Ranger Services<br>Director Development Services<br>Manager Environmental Health, Emergency and Rangers   |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.   |
| <b>Statutory framework</b>             | <i>Cat Regulations 2012:</i><br>r.21 Application for approval to breed cats (s.36(2))<br>r.22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f))<br>r.23 Person who not be refused approval to breed cats (s.37(5))<br>r.24 Duration of approval to breed cats (s.37(6))<br>r.25 Certificate given to approved cat breeder (s.39(1))  |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's document management system.  |
| <b>Date adopted</b>                    | 28 April 2022  |

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| <b>Adoption references</b> | Item 9.4.1 Minute No. C/0422/017 |
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| <b>Delegation</b>                      | <b>4.1.4 Recovery of Costs – Destruction of Cats</b>   |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 04 Cat Act 2011 Delegations  |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Cat Act 2011:</i><br>s.44 Delegation by local government  |
| <b>Express power or duty delegated</b> | <i>Cat Act 2011:</i><br>s.49(3) Authorised person may cause cat to be destroyed  |
| <b>Function</b>                        | 1. Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)].   |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Must comply with all relevant Policies.</li> </ul>  |
| <b>Express power to subdelegate</b>    | <i>Cat Act 2011:</i><br>s.45 Delegation by CEO of local government   |
| <b>Subdelegates</b>                    | Coordinator Community Safety & Ranger Services<br>Director Development Services<br>Manager Environmental Health, Emergency and Rangers                                   |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.   |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information is to be recorded in the Shire's document management system. |
| <b>Date adopted</b>                    | 28 April 2022  |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017   |

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| <b>Delegation</b>                      | <b>4.1.5 Reduce or Waiver Registration Fee</b>   |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 04 Cat Act 2011 Delegations  |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Cat Act 2011:</i><br>s.44 Delegation by local government  |
| <b>Express power or duty delegated</b> | <i>Cat Regulations 2012:</i><br>Schedule 3 Fees clause 1(4)  |
| <b>Function</b>                        | 1. Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat.   |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | a. This delegation does NOT provide authority to determine to reduce or waiver the fees payable in regard to any <u>class of cat</u> within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the <i>Local Government Act 1995</i> .b. |
| <b>Express power to subdelegate</b>    | <i>Cat Act 2011:</i><br>s.45 Delegation by CEO of local government   |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Shire's document management system.  |
| <b>Date adopted</b>                    | 28 April 2022  |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017   |

## 04.2 Cat Act Delegations - CEO to Employees

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| <b>Delegation</b>                      | <b>4.2.1 Infringement Notices – Extensions and Withdrawals</b>   |
| <b>Category</b>                        | CEO to Employees   |
| <b>Head of power</b>                   | 04 Cat Act 2011 Delegations  |
| <b>Delegator</b>                       | Chief Executive Officer  |
| <b>Express power to delegate</b>       | <i>Cat Act 2011:</i><br>s.45 Delegation by CEO of local government   |
| <b>Express power or duty delegated</b> | <i>Cat Act 2011:</i><br>s.64 Extension of time<br>s.65 Withdrawal of notice  |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed [s.64].</li> <li>2. Authority, within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s.65].</li> </ol> |
| <b>Delegates</b>                       | Director Development Services<br>Manager Environmental Health, Emergency and Rangers   |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Must comply with all relevant Policies.</li> </ul>  |
| <b>Express power to subdelegate</b>    | Nil  |
| <b>Statutory framework</b>             | <i>Cat Regulations 2012:</i><br>r.28 Withdrawal of infringement notice (s.65(1))   |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's record management system.  |
| <b>Date adopted</b>                    | 28 April 2022  |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017   |

## 05 Dog Act 1976 Delegations

Dog Act 1976

## 05.1 Dog Act Delegations Council to CEO

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| <b>Delegation</b>                      | <b>5.1.1 Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons</b>   |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 05 Dog Act 1976 Delegations  |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Dog Act 1976:</i><br>s.10AA Delegation of local government powers and duties  |
| <b>Express power or duty delegated</b> | <i>Dog Act 1976:</i><br>s.10A Payments to veterinary surgeons towards costs of sterilisation   |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to determine where a resident who is the owner of a registered dog, would suffer hardship in paying the whole of the cost of sterilisation and determine to pay part of such costs to a maximum value of \$210 [s.10A(1)(a) and (3)].</li> <li>2. Authority to give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation [s.10A(1)(b) and (2)].</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ol style="list-style-type: none"> <li>a. Council extends the sterilisation subsidy to <b>Cats</b> for eligible persons under the same conditions as contained in the <i>Dog Act 1976</i> [s.10A.]</li> <li>b. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</li> </ol>  |
| <b>Express power to subdelegate</b>    | <i>Dog Act 1976:</i><br>s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)  |
| <b>Subdelegates</b>                    | Coordinator Community Safety & Ranger Services<br>Director Development Services<br>Manager Environmental Health, Emergency and Rangers<br>Senior Ranger  |
| <b>Statutory framework</b>             | <a href="#">Dogs Local Law 2012</a><br><br><a href="#">Cat Act 2011 - cl 18 Cats to be sterilised</a>  |
| <b>Policy</b>                          | Note - The <i>Cat Act 2011</i> at clause 18 requires all cats that have reached the age of 6 months to be sterilised, unless the cat is exempt from sterilisation.<br><br>The <i>Cat Act 2011</i> , is silent on the payment of sterilisation costs and it is a policy position of the Council of the Shire of Broome to extend this payment to Cats as well as Dogs.  |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's record management system.  |



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| <b>Date adopted</b>        | 28 April 2022                    |
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| <b>Delegation</b>                      | <b>5.1.2 Refuse or Cancel Registration</b>  |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 05 Dog Act 1976 Delegations   |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <i>Dog Act 1976:</i><br>s.10AA Delegation of local government powers and duties   |
| <b>Express power or duty delegated</b> | <i>Dog Act 1976:</i><br>s.15(2) and (4A) Registration periods and fees<br>s.16(3) Registration procedure<br>s.17A(2) If no application for registration made<br>s.17(4) and (6) Refusal or cancellation of registration   |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)].</li> <li>2. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: <ol style="list-style-type: none"> <li>i. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the Cat Act 2011 or the Animal Welfare Act 2002; or</li> <li>ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or</li> <li>iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept</li> <li>iv. the dog is required to be microchipped but is not microchipped; or</li> <li>v. the dog is a dangerous dog [s.16(3) and s.17A(2)].</li> </ol> </li> <li>3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire of Broome's District [s15(4A)].</li> <li>4. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s.17(4)].</li> <li>5. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had been found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer   |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</li> <li>▪ Must comply with all relevant Policies.</li> </ul>  |
| <b>Express power to subdelegate</b>    | <i>Dog Act 1976:</i><br>s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)   |
| <b>Subdelegates</b>                    | Coordinator Community Safety & Ranger Services<br>Director Development Services<br>Manager Environmental Health, Emergency and Rangers  |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate apply to the Subdelegates.   |

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| <b>Statutory framework</b> | <p><i>Dog Act 1976</i></p> <ul style="list-style-type: none"> <li>▪ s.17A If no application for registration made – procedure for giving notice of decision under s.16(3)</li> <li>▪ Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and (6)</li> </ul> <p><a href="#">Dogs Local Law 2012</a></p> |
| <b>Record keeping</b>      | <p>Delegations exercised are to be recorded in the Attain Compliance Software.</p> <p>Any supporting information should be recorded in the Shire's record management system.</p>   |
| <b>Date adopted</b>        | 28 April 2022  |
| <b>Adoption references</b> | Item 9.4.1 Minute No. C/0422/017   |

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| <b>Delegation</b>                      | <b>5.1.3 Kennel Establishments</b>  |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 05 Dog Act 1976 Delegations   |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <i>Dog Act 1976:</i><br>s.10AA Delegation of local government powers and duties   |
| <b>Express power or duty delegated</b> | <i>Dog Act 1976:</i><br>s.27 Licensing of approved kennel establishments<br><i>Dogs Local Law 2012:</i><br>Part 4 - Approved Kennel Establishments  |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)].</li> <li>2. Authority to approve, or refuse to approve the transfer of a licence [cl 4.14(3)]</li> </ol>  |
| <b>Delegates</b>                       | Chief Executive Officer   |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Subject to conditions contained within Schedule 2 - <i>Dog Local Law 2012</i></li> <li>▪ Variation applications to Schedule 2 - <i>Dog Local Law 2012</i> are to be referred to Council for decision.</li> <li>▪ The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</li> <li>▪ Must comply with all relevant Policies.</li> </ul> |
| <b>Express power to subdelegate</b>    | <i>Dog Act 1976:</i><br>s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)   |
| <b>Subdelegates</b>                    | Coordinator Community Safety & Ranger Services<br>Director Development Services<br>Manager Environmental Health, Emergency and Rangers  |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.  |
| <b>Statutory framework</b>             | Note – Decisions under this delegation may be referred for review by the State Administration Tribunal<br><a href="#">Dogs Local Law 2012</a>   |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's document management system.   |
| <b>Date adopted</b>                    | 28 April 2022   |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017  |

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| <b>Delegation</b>                      | <b>5.1.4 Recovery of Moneys Due Under this Act</b>   |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 05 Dog Act 1976 Delegations  |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Dog Act 1976:</i><br>s.10AA Delegation of local government powers and duties  |
| <b>Express power or duty delegated</b> | <i>Dog Act 1976:</i><br>s.29(5) Power to seize dogs  |
| <b>Function</b>                        | 1. Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)].  |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</li> <li>▪ Must comply with all relevant Policies.</li> </ul>   |
| <b>Express power to subdelegate</b>    | <i>Dog Act 1976:</i><br>s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)  |
| <b>Subdelegates</b>                    | Director Development Services<br>Manager Environmental Health, Emergency and Rangers   |
| <b>Subdelegate conditions</b>          | <ul style="list-style-type: none"> <li>▪ Conditions on the Delegate also apply to the Subdelegates.</li> <li>▪ The Subdelegate is to inform the CEO prior to the exercise of this delegation.</li> </ul>   |
| <b>Statutory framework</b>             | Includes recovery of expenses relevant to:<br>s.30A(3) Operator of dog management facility may have dog microchipped at owner's expense<br>s.33M Local government expenses to be recoverable.<br>s.47 Veterinary service expenses recoverable from local government<br>r.31 Local government expenses as to dangerous dogs (declared)<br><br><a href="#">Dogs Local Law 2012</a> |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's record management system.  |
| <b>Date adopted</b>                    | 28 April 2022  |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017   |

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| <b>Delegation</b>                      | <b>5.1.5 Dispose of or Sell Dogs Liable to be Destroyed</b>  |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 05 Dog Act 1976 Delegations  |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Dog Act 1976:</i><br>s.10AA Delegation of local government powers and duties  |
| <b>Express power or duty delegated</b> | <i>Dog Act 1976:</i><br>s.29(11) Power to seize dogs   |
| <b>Function</b>                        | 1. Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].   |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</li> <li>▪ Proceeds from the sale of dogs are to be directed into the Municipal Fund.</li> <li>▪ Must comply with all relevant Policies.</li> </ul> |
| <b>Express power to subdelegate</b>    | <i>Dog Act 1976:</i><br>s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)  |
| <b>Subdelegates</b>                    | Director Development Services<br>Manager Environmental Health, Emergency and Rangers   |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.   |
| <b>Statutory framework</b>             | <a href="#">Dogs Local Law 2012</a>  |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's record management system.  |
| <b>Date adopted</b>                    | 28 April 2022  |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017   |

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| <b>Delegation</b>                      | <b>5.1.6 Declare Dangerous Dog</b>  |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 05 Dog Act 1976 Delegations   |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <i>Dog Act 1976:</i><br>s.10AA Delegation of local government powers and duties   |
| <b>Express power or duty delegated</b> | <i>Dog Act 1976:</i><br>s.33E(1) Individual dog may be declared to be dangerous dog (declared)  |
| <b>Function</b>                        | 1. Authority to declare an individual dog to be a dangerous dog [s.33E(1)].   |
| <b>Delegates</b>                       | Chief Executive Officer   |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</li> </ul>   |
| <b>Express power to subdelegate</b>    | <i>Dog Act 1976:</i><br>s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation) |
| <b>Subdelegates</b>                    | Coordinator Community Safety & Ranger Services<br>Manager Environmental Health, Emergency and Rangers   |
| <b>Statutory framework</b>             | Note – Decisions under this delegation may be referred for review by the State Administration Tribunal<br><br><a href="#">Dogs Local Law 2012</a>   |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's record management system.                   |
| <b>Date adopted</b>                    | 28 April 2022   |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017  |

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| <b>Delegation</b>                      | <b>5.1.7 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke</b>  |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 05 Dog Act 1976 Delegations  |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Dog Act 1976:</i><br>s.10AA Delegation of local government powers and duties  |
| <b>Express power or duty delegated</b> | <i>Dog Act 1976:</i><br>s.33F(6) Owners to be notified of making of declaration<br>s.33G(4) Seizure and destruction<br>s.33H(1), (2) Local government may revoke declaration or proposal to destroy  |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)].</li> <li>2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)].</li> <li>3. Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)]</li> <li>4. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)].</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</li> <li>▪ Delegation of the s 33F power to deal with an objection to a dangerous dog declaration should not be delegated to the same person or position who is authorised to exercise s 33E powers enabling the declaration of a dangerous dog.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>  |
| <b>Express power to subdelegate</b>    | <i>Dog Act 1976:</i><br>s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)  |
| <b>Subdelegates</b>                    | Director Development Services  |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegate.  |
| <b>Statutory framework</b>             | Note – Decisions under this delegation may be referred for review by the State Administration Tribunal<br><br><a href="#">Dogs Local Law 2012</a>  |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's record management system.  |



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| <b>Delegation</b>                      | <b>5.1.8 Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice</b>   |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 05 Dog Act 1976 Delegations  |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Dog Act 1976:</i><br>s.10AA Delegation of local government powers and duties  |
| <b>Express power or duty delegated</b> | <i>Dog Act 1976:</i><br>s.33H(5) Local government may revoke declaration or proposal to destroy  |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]: <ol style="list-style-type: none"> <li>a. a notice declaring a dog to be dangerous; or</li> <li>b. a notice proposing to cause a dog to be destroyed</li> </ol> </li> </ol>                                       |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]</li> <li>▪ Delegation of the s.33H(5) power to deal with an objection should not be delegated to the same person / position who is delegated / authorised to exercise s.33H(1) and (2)</li> <li>▪ Must comply with all relevant Policies.</li> </ul> |
| <b>Express power to subdelegate</b>    | <i>Dog Act 1976:</i><br>s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)  |
| <b>Subdelegates</b>                    | Director Corporate Services  |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegate.  |
| <b>Statutory framework</b>             | Note – Decisions under this delegation may be referred for review by the State Administration Tribunal<br><a href="#">Dogs Local Law 2012</a>  |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's record management system.  |
| <b>Date adopted</b>                    | 28 April 2022  |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017   |

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| <b>Delegation</b>                      | <b>5.1.9 Determine Recoverable Expenses for Dangerous Dog Declaration</b>  |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 05 Dog Act 1976 Delegations  |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Dog Act 1976:</i><br>s.10AA Delegation of local government powers and duties  |
| <b>Express power or duty delegated</b> | <i>Dog Act 1976:</i><br>s.33M(1)(a) Local Government expenses to be recoverable  |
| <b>Function</b>                        | 1. Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to the maximum amount prescribed, having regard to expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s.33H(5)].                                       |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ The Chief Executive Officer permitted to sub-delegate to suitably capable employees [s.10AA(3)].</li> <li>▪ Delegation does not include s.33M(1)(b) as the setting of a fixed fee is recommended to occur by Council resolution in accordance with s.6.16 of the Local Government Act 1995.</li> <li>▪ Must comply with all relevant Policies.</li> </ul> |
| <b>Express power to subdelegate</b>    | <i>Dog Act 1976:</i><br>s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)  |
| <b>Subdelegates</b>                    | Coordinator Community Safety & Ranger Services<br>Director Development Services<br>Manager Environmental Health, Emergency and Rangers   |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.   |
| <b>Statutory framework</b>             | Note – Decisions under this delegation may be referred for review by the State Administration Tribunal<br><a href="#">Dog Regulations 2013</a><br>- Reg 31 Local government expenses as to dangerous dogs<br><a href="#">Dogs Local Law 2012</a>   |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance Software.<br><br>Any supporting information should be recorded in the Shire's record management system.  |
| <b>Date adopted</b>                    | 28 April 2022  |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017   |

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| <b>Delegation</b>                      | <b>5.1.10 Grant Exemption as to Number of Dogs Kept at Premises</b>  |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 05 Dog Act 1976 Delegations  |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Dog Act 1976:</i><br>s.10AA Delegation of local government powers and duties  |
| <b>Express power or duty delegated</b> | <i>Dog Act 1976:</i><br>s.26(3) Limitation as to numbers   |
| <b>Function</b>                        | 1. Authority to approve, and determine conditions that apply to, an exemption as to the limit to the number of dogs that can be kept at a premises [s.26(3)].  |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <p>a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</p> <p>b. Decisions under this delegation must comply with the <i>Dog Act 1976</i> and the <i>Shire of Broome Dogs Local Law 2012</i>, including:</p> <ul style="list-style-type: none"> <li>• Consider and be satisfied that for any particular premises the provisions of the <i>Dog Act 1976</i> relating to kennel establishments need not be applied in the circumstances [s.26(3)].</li> <li>• Apply the provisions of s.26(4).</li> </ul> <p>c. Conditions that must be applied to an approved exemption, include:</p> <ul style="list-style-type: none"> <li>• Fencing at the premises must be adequate and maintained to prevent the dogs from leaving the premises, to the satisfaction of the CEO.</li> <li>• Registrations for each dog subject of the approved exemption must be current and maintained.</li> <li>• An exemption applies only to the dogs registered and listed in the approval and as such cannot be transferred to another dog.</li> </ul> <p>d. Must comply with all relevant Policies</p> |
| <b>Express power to subdelegate</b>    | <i>Dog Act 1976</i><br>s10AA(3) Delegation of local government powers and duties   |
| <b>Subdelegates</b>                    | Coordinator Community Safety & Ranger Services<br>Director Development Services<br>Manager Environmental Health, Emergency and Rangers   |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.   |
| <b>Statutory framework</b>             | Note - Decisions under this delegation may be referred for review by the State Administrative Tribunal.<br><a href="#">Dogs Local Law 2012</a>   |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's record management system.  |
| <b>Date adopted</b>                    | 25 August 2022   |

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| <b>Adoption references</b> | C/0822/109 |
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## 06 Food Act 2008 Delegations

Food Act 2008

## 06.1 Council to CEO

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| <b>Delegation</b>                      | <b>6.1.1 Determine Compensation</b>   |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 06 Food Act 2008 Delegations  |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <i>Food Act 2008:</i><br>s.118 Functions of enforcement agencies and delegation<br>(2)(b) Enforcement agency may delegate a function conferred on it<br>(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]<br>(4) Sub-delegation permissible only if expressly provided in regulations   |
| <b>Express power or duty delegated</b> | <i>Food Act 2008:</i><br>s.56(2) Compensation to be paid in certain circumstances<br>s.70(2) and (3) Compensation   |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s.56(2)].</li> <li>2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2) and (3)].</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer<br>Director Development Services  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</li> <li>▪ Compensation under this delegation may only be determined upon documented losses up to a maximum of \$2000. Compensation requests above this value are to be reported to Council.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>   |
| <b>Express power to subdelegate</b>    | NIL – Food Regulations 2009 do not provide for sub-delegation.  |
| <b>Statutory framework</b>             | Note – Decisions under this delegation may be referred for review by the State Administration Tribunal  |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's record management system.   |
| <b>Date adopted</b>                    | 28 April 2022   |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017  |



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| <b>Delegation</b>                      | <b>6.1.2 Prohibition Orders</b>   |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 06 Food Act 2008 Delegations  |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <i>Food Act 2008:</i><br>s.118 Functions of enforcement agencies and delegation<br>(2)(b) Enforcement agency may delegate a function conferred on it<br>(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]<br>(4) Sub-delegation permissible only if expressly provided in regulations   |
| <b>Express power or duty delegated</b> | <i>Food Act 2008:</i><br>s.65(1) Prohibition orders<br>s.66 Certificate of clearance to be given in certain circumstances<br>s.67(4) Request for re-inspection  |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)].</li> <li>2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66].</li> <li>3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer<br>Coordinator Environmental Health & Event Approval<br>Environmental Health Officer<br>Manager Environmental Health, Emergency and Rangers   |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>  |
| <b>Express power to subdelegate</b>    | NIL – Food Regulations 2009 do not provide for sub-delegation.  |
| <b>Statutory framework</b>             | Note – Decisions under this delegation may be referred for review by the State Administration Tribunal  |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's record management system.   |
| <b>Date adopted</b>                    | 28 April 2022   |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017  |



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| <b>Delegation</b>                      | <b>6.1.3 Food Business Registrations</b>   |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 06 Food Act 2008 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Food Act 2008:</i><br>s.118 Functions of enforcement agencies and delegation<br>(2)(b) Enforcement agency may delegate a function conferred on it<br>(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]<br>(4) Sub-delegation permissible only if expressly provided in regulations  |
| <b>Express power or duty delegated</b> | <i>Food Act 2008:</i><br>s.110(1) and (5) Registration of food business<br>s.112 Variation of conditions or cancellation of registration of food businesses  |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)].</li> <li>2. Authority to vary the conditions or cancel the registration of a food business [s.112].</li> </ol>  |
| <b>Delegates</b>                       | Chief Executive Officer<br>Coordinator Environmental Health & Event Approval<br>Environmental Health Officer<br>Manager Environmental Health, Emergency and Rangers  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ul style="list-style-type: none"> <li>◦ Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA</li> <li>◦ Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1</li> <li>◦ WA Priority Classification System</li> <li>◦ Verification of Food Safety Program Guideline</li> </ul> </li> <li>▪ Must comply with all relevant Policies.</li> </ul> |
| <b>Express power to subdelegate</b>    | NIL – Food Regulations 2009 do not provide for sub-delegation  |
| <b>Statutory framework</b>             | Note – Decisions under this delegation may be referred for review by the State Administration Tribunal   |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Shire's record management system.  |
| <b>Date adopted</b>                    | 28 April 2022  |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017   |

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| <b>Delegation</b>                      | <b>6.1.4 Appoint Authorised Officers and Designated Officers</b>  |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 06 Food Act 2008 Delegations  |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <i>Food Act 2008:</i><br>s.118 Functions of enforcement agencies and delegation<br>(2)(b) Enforcement agency may delegate a function conferred on it<br>(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]<br>(4) Sub-delegation permissible only if expressly provided in regulations   |
| <b>Express power or duty delegated</b> | <i>Food Act 2008:</i><br>s.122(1) Appointment of authorised officers<br>s.126(6), (7) and (13) Infringement Officers  |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(2)].</li> <li>2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the Public Health Act 2016, to be a Designated Officer for the purposes of issuing Infringement Notices under the Food Act 2008 [s.126(13)].</li> <li>3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer<br>Director Development Services  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ul style="list-style-type: none"> <li>◦ Appointment of Authorised Officers as Meat Inspector</li> <li>◦ Appointment of Authorised Officers</li> <li>◦ Appointment of Authorised Officers – Designated Officers only</li> <li>◦ Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer</li> </ul> </li> <li>▪ Must comply with all relevant Policies.</li> </ul>  |
| <b>Express power to subdelegate</b>    | NIL – Food Regulations 2009 do not provide for sub-delegation.  |
| <b>Statutory framework</b>             | s.122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers.<br>s.123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed  |

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| <b>Record keeping</b>      | <p>Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file.</p> <p>A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.</p> <p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p> |
| <b>Date adopted</b>        | 28 April 2022  |
| <b>Adoption references</b> | Item 9.4.1 Minute No. C/0422/017   |

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| <b>Delegation</b>                      | <b>6.1.5 Debt Recovery and Prosecutions</b>   |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 06 Food Act 2008 Delegations  |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <i>Food Act 2008:</i><br>s.118 Functions of enforcement agencies and delegation<br>(2)(b) Enforcement agency may delegate a function conferred on it<br>(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]<br>(4) Sub-delegation permissible only if expressly provided in regulations   |
| <b>Express power or duty delegated</b> | <i>Food Act 2008:</i><br>s.54 Cost of destruction or disposal of forfeited item<br>s.125 Institution of proceedings   |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)].</li> <li>2. Authority to institute proceedings for an offence under the Food Act 2008 [s.125].</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer<br>Director Development Services  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>  |
| <b>Express power to subdelegate</b>    | NIL – Food Regulations 2009 do not provide for sub-delegation.  |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's record management system.   |
| <b>Date adopted</b>                    | 28 April 2022   |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017  |

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| <b>Delegation</b>                      | <b>6.1.6 Abattoir Inspections and Fees</b>  |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 06 Food Act 2008 Delegations  |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <i>Food Act 2008:</i><br>s.118 Functions of enforcement agencies and delegation<br>(2)(b) Enforcement agency may delegate a function conferred on it<br>(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]<br>(4) Sub-delegation permissible only if expressly provided in regulations   |
| <b>Express power or duty delegated</b> | <i>Food Regulations 2009:</i><br>r.43 Local government may require security<br>r.45 Withdrawal of inspection services   |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority, relevant to the payment of abattoir meat inspection fees under Food Regulation 41, to: <ol style="list-style-type: none"> <li>i. require a person to provide security,</li> <li>ii. determine the form that security is to be provided, and</li> <li>iii. discharge a security held by the Shire of Broome [r.43].</li> </ol> </li> <li>2. Authority to give written notice and withdraw abattoir meat inspection services, pending payment of any fees due and payable [r.45].</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer<br>Coordinator Environmental Health & Event Approval<br>Manager Environmental Health, Emergency and Rangers   |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>  |
| <b>Express power to subdelegate</b>    | NIL – Food Regulations 2009 do not provide for sub-delegation.  |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's record management system.   |
| <b>Date adopted</b>                    | 28 April 2022   |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017  |

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| <b>Delegation</b>                      | <b>6.1.7 Food Businesses List – Public Access</b>   |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 06 Food Act 2008 Delegations  |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <i>Food Act 2008:</i><br>s.118 Functions of enforcement agencies and delegation<br>(2)(b) Enforcement agency may delegate a function conferred on it<br>(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]<br>(4) Sub-delegation permissible only if expressly provided in regulations |
| <b>Express power or duty delegated</b> | <i>Food Regulations 2009:</i><br>r.51 Enforcement agency may make list of food  |
| <b>Function</b>                        | 1. Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].  |
| <b>Delegates</b>                       | Chief Executive Officer<br>Coordinator Environmental Health & Event Approval<br>Manager Environmental Health, Emergency and Rangers   |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>  |
| <b>Express power to subdelegate</b>    | NIL – <i>Food Regulations 2009</i> do not provide for sub-delegation.   |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's record management system.   |
| <b>Date adopted</b>                    | 28 April 2022   |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017  |

## 07 Graffiti Vandalism Act 2016 Delegations

Graffiti Vandalism Act 2016

## 07.1 Council to CEO

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| <b>Delegation</b>                      | <b>7.1.1 Give Notice Requiring Obliteration of Graffiti</b>  |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 07 Graffiti Vandalism Act 2016 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Graffiti Vandalism Act 2016:</i><br>s.16 Delegation by local government   |
| <b>Express power or duty delegated</b> | <i>Graffiti Vandalism Act 2016:</i><br>s.18(2) Notice requiring removal of graffiti<br>s.19(3) & (4) Additional powers when notice is given  |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)].</li> <li>2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)].</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Must comply with all relevant Policies.</li> </ul>  |
| <b>Express power to subdelegate</b>    | <i>Graffiti Vandalism Act 2016:</i><br>s.17 Delegation by CEO of local government  |
| <b>Subdelegates</b>                    | Coordinator Community Safety & Ranger Services<br>Manager Environmental Health, Emergency and Rangers<br>Senior Ranger   |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.   |
| <b>Statutory framework</b>             | Note – Decisions under this delegation may be referred for review by the State Administration Tribunal   |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's record management system.  |
| <b>Date adopted</b>                    | 28 April 2022  |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017   |





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| <b>Delegation</b>                      | <b>7.1.2 Notices – Deal with Objections and Give Effect to Notices</b>   |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 07 Graffiti Vandalism Act 2016 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Graffiti Vandalism Act 2016:</i><br>s.16 Delegation by local government   |
| <b>Express power or duty delegated</b> | <i>Graffiti Vandalism Act 2016:</i><br>s.22(3) Objection may be lodged<br>s.24(1)(b) & (3) Suspension of effect of notice  |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to deal with an objection to a notice [s.22(3)].</li> <li>2. Authority, where an objection has been lodged, to: <ol style="list-style-type: none"> <li>i. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s.24(1)(b)] and</li> <li>ii. to give notice to the affected person, before taking the necessary actions [s.24(3)].</li> </ol> </li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Must comply with all relevant Policies.</li> </ul>  |
| <b>Express power to subdelegate</b>    | <i>Graffiti Vandalism Act 2016:</i><br>s.17 Delegation by CEO of local government  |
| <b>Subdelegates</b>                    | Director Corporate Services<br>Director Development Services   |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.   |
| <b>Statutory framework</b>             | Note – Decisions under this delegation may be referred for review by the State Administration Tribunal   |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire’s record management system.  |
| <b>Date adopted</b>                    | 28 April 2022  |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017   |

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| <b>Delegation</b>                      | <b>7.1.3 Obliterate Graffiti on Private Property</b>   |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 07 Graffiti Vandalism Act 2016 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Graffiti Vandalism Act 2016:</i><br>s.16 Delegation by local government   |
| <b>Express power or duty delegated</b> | <i>Graffiti Vandalism Act 2016:</i><br>s.25(1) Local government graffiti powers on land not local government property  |
| <b>Function</b>                        | 1. Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s.25(1)]. |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Subject to exercising Powers of Entry.</li> <li>▪ Must comply with all relevant Policies</li> </ul>   |
| <b>Express power to subdelegate</b>    | <i>Graffiti Vandalism Act 2016:</i><br>s.17 Delegation by CEO of local government  |
| <b>Subdelegates</b>                    | Director Development Services<br>Manager Environmental Health, Emergency and Rangers   |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.   |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's record management system.  |
| <b>Date adopted</b>                    | 28 April 2022  |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017   |

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| <b>Delegation</b>                      | <b>7.1.4 Powers of Entry</b>   |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 07 Graffiti Vandalism Act 2016 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Graffiti Vandalism Act 2016:</i><br>s.16 Delegation by local government   |
| <b>Express power or duty delegated</b> | <i>Graffiti Vandalism Act 2016:</i><br>s.28 Notice of entry<br>s.29 Entry under warrant  |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28].</li> <li>2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Must comply with all relevant Policies.</li> </ul>  |
| <b>Express power to subdelegate</b>    | <i>Graffiti Vandalism Act 2016:</i><br>s.17 Delegation by CEO of local government  |
| <b>Subdelegates</b>                    | Director Development Services<br>Manager Environmental Health, Emergency and Rangers   |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.   |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's record management system.  |
| <b>Date adopted</b>                    | 28 April 2022  |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017   |

## 08 Public Health Act 2016 Delegations

Public Health Act 2016

## 08.1 Council to CEO

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| <b>Delegation</b>                      | <b>8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)</b>  |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 08 Public Health Act 2016 Delegations  |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Health (Asbestos) Regulations 1992:</i><br>r.15D(7) Infringement Notices  |
| <b>Express power or duty delegated</b> | <i>Health (Asbestos) Regulations 1992:</i><br>r.15D(5) Infringement Notices  |
| <b>Function</b>                        | 1. Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 [r.15D(5)].  |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)]</li> <li>▪ Must comply with all relevant Policies.</li> </ul>   |
| <b>Express power to subdelegate</b>    | Nil – the <i>Health (Asbestos) Regulations 1992</i> do not provide a power to sub-delegate.  |
| <b>Statutory framework</b>             | <i>Criminal Procedure Act 2004 – Part 2</i>  |
| <b>Record keeping</b>                  | <p>Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file.</p> <p>A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.</p> <p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p> |
| <b>Date adopted</b>                    | 28 April 2022  |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017   |

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| <b>Delegation</b>                      | <b>8.1.2 Enforcement Agency Reports to the Chief Health Officer</b>  |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 08 Public Health Act 2016 Delegations  |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Public Health Act 2016:</i><br>s.21 Enforcement agency may delegate   |
| <b>Express power or duty delegated</b> | <i>Public Health Act 2016</i><br>s.22 Reports by and about enforcement agencies  |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Shire of Broome [s.22(1)]</li> <li>2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Must comply with all relevant Policies.</li> </ul>  |
| <b>Express power to subdelegate</b>    | Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].  |
| <b>Statutory framework</b>             | <i>Public Health Act 2016</i><br>s.20 Conditions on performance of functions by enforcement agencies.  |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's record management system.  |
| <b>Date adopted</b>                    | 28 April 2022  |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017   |

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| <b>Delegation</b>                      | <b>8.1.3 Designate Authorised Officers</b>   |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 08 Public Health Act 2016 Delegations  |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Public Health Act 2016:</i><br>s.21 Enforcement agency may delegate   |
| <b>Express power or duty delegated</b> | <i>Public Health Act 2016</i><br>s.24(1) and (3) Designation of authorised officers  |
| <b>Function</b>                        | <p>1. Authority to designate a person or class of persons as authorised officers for the purposes of:</p> <ul style="list-style-type: none"> <li>i. The <i>Public Health Act 2016</i> or other specified Act</li> <li>ii. Specified provisions of the <i>Public Health Act 2016</i> or other specified Act</li> <li>iii. Provisions of the <i>Public Health Act 2016</i> or another specified Act, other than the specified provisions of that Act.</li> </ul> <p>Including:</p> <ul style="list-style-type: none"> <li>a. an environmental health officer or environmental health officers as a class; OR</li> <li>b. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR</li> <li>c. a mixture of the two. [s.24(1) and (3)].</li> </ul> |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Subject to each person so appointed being; <ul style="list-style-type: none"> <li>◦ Appropriately qualified and experienced [s.25(1)(a)]; and</li> <li>◦ Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31].</li> </ul> </li> <li>▪ A Register (list) of authorised officers is to be maintained in accordance with s.27.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>   |
| <b>Express power to subdelegate</b>    | Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].  |

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| <p><b>Statutory framework</b></p> | <p><i>Public Health Act 2016</i></p> <p>s.20 Conditions on performance of functions by enforcement agencies.<br/> s.25 Certain authorised officers required to have qualifications and experience.<br/> s.26 Further provisions relating to designations<br/> s.27 Lists of authorised officers to be maintained<br/> s.28 When designation as authorised officer ceases<br/> s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers<br/> s.30 Certificates of authority<br/> s.31 Issuing and production of certificate of authority for purposes of other written laws<br/> s.32 Certificate of authority to be returned.<br/> s.136 Authorised officer to produce evidence of authority</p> <p><i>Criminal Investigation Act 2006, Parts 6 and 13 – refer s.245 of the Public Health Act 2016</i></p> <p><i>The Criminal Code, Chapter XXVI – refer s.252 of the Public Health Act 2016</i></p> |
| <p><b>Record keeping</b></p>      | <p>Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person’s personnel file.</p> <p>A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.</p> <p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p>  |
| <p><b>Date adopted</b></p>        | <p>28 April 2022</p>  |
| <p><b>Adoption references</b></p> | <p>Item 9.4.1 Minute No. C/0422/017</p>   |

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| <b>Delegation</b>                      | <b>8.1.4 Determine Compensation for Seized Items</b>  |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 08 Public Health Act 2016 Delegations   |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <i>Public Health Act 2016:</i><br>s.21 Enforcement agency may delegate  |
| <b>Express power or duty delegated</b> | <i>Public Health Act 2016</i><br>s.264 Compensation   |
| <b>Function</b>                        | 1. Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264]. |
| <b>Delegates</b>                       | Chief Executive Officer   |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>▪ Compensation is limited to a maximum value of \$2,000, with any proposal for compensation above this value to be referred for Council's determination.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>   |
| <b>Express power to subdelegate</b>    | Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].   |
| <b>Statutory framework</b>             | <i>Public Health Act 2016</i><br>s.20 Conditions on performance of functions by enforcement agencies.<br><br>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal   |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded in the Shire's record management system.   |
| <b>Date adopted</b>                    | 28 April 2022   |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017  |



## 09 Planning and Development Act 2005 Delegations

Planning and Development Act 2005

## 09.1 Council to CEO

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| <b>Delegation</b>                      | <b>9.1.1 Illegal Development</b>  |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 09 Planning and Development Act 2005 Delegations  |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <i>Local Government Act 1995:</i><br>s.5.42(b) Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO   |
| <b>Express power or duty delegated</b> | <i>Planning and Development Act 2005:</i><br>Section 214(2), (3) and (5)  |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements;</li> <li>2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> <li>a. to remove, pull down, take up, or alter the development; and</li> <li>b. to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.</li> </ol> </li> <li>3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer   |
| <b>Conditions</b>                      | <ul style="list-style-type: none"> <li>• The Chief Executive Officer is to have regard to the Compliance and Enforcement Policy</li> </ul>  |
| <b>Express power to subdelegate</b>    | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees  |
| <b>Subdelegates</b>                    | Director Development Services   |
| <b>Subdelegate conditions</b>          | The Director Development Services is to have regard to the Compliance and Enforcement Policy  |
| <b>Statutory framework</b>             | Part 13 of the <a href="#">Planning and Development Act 2005</a>  |
| <b>Policy</b>                          | <a href="#">Council Policy - Compliance and Enforcement</a>   |

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| <b>Record keeping</b>      | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded on the property file within the Shire's document management system. |
| <b>Date adopted</b>        | 28 April 2022  |
| <b>Adoption references</b> | Item 9.4.1 Minute No. C/0422/017   |

## 09.2 Local Planning Scheme No. 6 – Council to CEO

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| <b>Delegation</b>                      | <b>9.2.1 PLA1 Built Strata Certificate of Approval – Forms 24 and 26</b>  |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 09 Planning and Development Act 2005 Delegations  |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <i>Planning and Development (Local Planning Schemes) Regulations 2015</i><br>Schedule 2 cl.82   |
| <b>Express power or duty delegated</b> | <i>Strata Titles Act 1985</i><br>Part 2 Strata Schemes and Survey Strata Schemes<br>Division 3 Creation of lots and common property<br>Section 24, 25 Certificate of Commission           |
| <b>Function</b>                        | 1. The Chief Executive Officer is delegated authority under the <i>Strata Title Act 1985</i> to issue a preliminary approval strata plan (Form 24) and certificate of approval (Form 26). |
| <b>Delegates</b>                       | Chief Executive Officer   |
| <b>Conditions</b>                      | Any applications are to be determined be in accordance with Local Planning Scheme No 6.   |
| <b>Subdelegates</b>                    | Coordinator Planning Services<br>Director Development Services<br>Manager Planning and Building Services  |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.  |
| <b>Record keeping</b>                  | Documentation to be recorded to the relevant property or strata subdivision file within the Shire's document management system.   |
| <b>Date adopted</b>                    | 28 April 2022   |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017  |

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| <b>Delegation</b>                      | <b>9.2.2 PLA4 Delegation to Waive/Refund Planning Fees</b>  |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 09 Planning and Development Act 2005 Delegations  |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <i>Planning and Development Act 2005</i><br>s.261 Local government fees for planning matters etc., regulations as to  |
| <b>Express power or duty delegated</b> | <i>Planning and Development Regulations 2009</i><br>Part 7 - Local government planning charges<br>Division 2 - Fees and other charges<br>Section 52 – Local government may waive or refund fees                             |
| <b>Function</b>                        | 1. Authority to waive or refund, in whole or in part, payment of a fee for a planning service   |
| <b>Delegates</b>                       | Chief Executive Officer   |
| <b>Conditions</b>                      | Waiving and Refunding of Fees must be in accordance with the Council adopted Policy and schedule of fees and charges.   |
| <b>Express power to subdelegate</b>    | <i>Local Government Act 1995</i><br>s.5.44 CEO may delegate some powers and duties to other employees   |
| <b>Subdelegates</b>                    | Coordinator Planning Services<br>Director Development Services<br>Manager Planning and Building Services  |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.  |
| <b>Policy</b>                          | Waiving and Refunding of Fees   |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System<br><br>Any supporting documentation should be recorded to the relevant property and/or subdivision file in the Shire's document management system. |
| <b>Date adopted</b>                    | 28 April 2022   |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017  |

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| <b>Delegation</b>                      | <b>9.2.3 PLA5 Determine Development Application</b>   |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 09 Planning and Development Act 2005 Delegations  |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <i>Planning and Development (Local Planning Schemes) Regulations 2015</i><br>Schedule 2 Division 2 - Delegations<br>Clause 82 Delegations by local government   |
| <b>Express power or duty delegated</b> | <i>Planning and Development (Local Planning Schemes) Regulations 2015</i><br>Schedule 2<br>Deemed Provisions<br><br><i>Local Planning Scheme No.6</i><br>Clause 3.18 Interpretation of the Zoning Table<br>Clause 3.23 Extension of a Non-Conforming Use<br>Clause 3.24 Change of Non-Conforming Use<br>Clause 4.3 Special application of Residential Design Codes<br>Clause 4.4 Variations to site and development requirements<br>Clause 4.7 Car parking<br>Clause 4.8 Service areas<br>Clause 4.11 Height of buildings<br>Clause 4.12 Broome-style architecture<br>Clause 4.13 Inappropriate or incongruous development<br>Clause 4.14 Landscaping and existing trees<br>Clause 4.17 Telecommunications infrastructure |

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| <p><b>Function</b></p>  | <ul style="list-style-type: none"> <li>• Make determinations on the sufficiency of information provided with applications for development approval pursuant to clause 63 of the Deemed Provisions.</li> <li>• Advertise and provide notice of applications for development approval or consent pursuant to clause 64 of the Deemed Provisions.</li> <li>• Determine applications pursuant to clause 68 of the Deemed Provisions of LPS6 for development approval or refusal including: <ul style="list-style-type: none"> <li>◦ Any conditions to be imposed or reasons for refusal;</li> <li>◦ The period of validity; and</li> <li>◦ The scope of the development approval.</li> </ul> </li> <li>• Allow for the extension of the term of any development approval in accordance with clause 71 of the Deemed Provisions.</li> <li>• Determine applications where variations to Development Requirements of LPS6 pursuant to clauses, 3.23 (Extension of Non-Conforming Use), 3.24 (Change of Non-Conforming Use), 4.3 (Special Application of the Residential Design Codes), 4.4 (Variation to Site and Development Requirements) including variations to Schedule 8 (Development Standards), 4.7 (Car Parking), 4.8 (Service Areas), 4.11 (Height of Buildings), 4.12 (Broomestyle Architecture), 4.12 (Inappropriate or incongruous development), 4.14 (Landscaping and Existing Trees) and 4.17 (Telecommunications infrastructure) are proposed.</li> <li>• Any matter described in the Residential Design Codes including variations and determinations under design principles and clause 4.2 and 4.3 (Residential Design Codes) of LPS6.</li> <li>• Prescribe, vary, specify and determine requirements, standards or limitations which may be prescribed, varied, specified or determined under the Scheme with respect to the use or development of land or buildings.</li> <li>• Determine any works or uses that are temporary and in existence longer than 48 hours pursuant to clause 61(1)(f) and 61(2)(d) of the Deemed Provisions.</li> <li>• Determine any amendment applications pursuant to clause 77 (Amending or cancelling development approval) of the Deemed Provisions.</li> <li>• Determine any retrospective application pursuant to clause 65 (Subsequent approval of development) of the Deemed Provisions.</li> <li>• Make determinations to vary provisions pursuant to clause 12 of the Deemed Provisions to facilitate the conservation of a place entered in the Register of Places under the Heritage Western Australia Act 1990 or Listed in the Heritage List under clause 8 of the Deemed Provisions.</li> <li>• Determining applications in accordance with Structure Plans pursuant to clause 27 of the Deemed Provisions.</li> <li>• In accordance with clause 75(1)(c) of the Deemed Provisions agree to the extension of the Deemed Refusal time frame.</li> <li>• Make any determination and exercise any discretionary powers contained in LPS6 and its Schedules and the Deemed Provisions.</li> <li>• Determine the land use pursuant to clause 3.18 of LPS6.</li> <li>• Determine development applications which modifies or varies a Local Development Plan pursuant to clause 56 of the Deemed Provisions.</li> </ul> |
| <p><b>Delegates</b></p> | <p>Chief Executive Officer</p>   |

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| <b>Conditions</b>                   | <p>Authority only to be exercised following appropriate consideration of the matters listed in clause 67 of the Deemed Provisions and:</p> <ol style="list-style-type: none"> <li>1. Required consultation has to be conducted, delegation can be exercised where concerns raised through consultation is not relevant planning consideration or where concerns can be addressed by way of conditions or mitigated design. Where concerns raised are relevant planning considerations that cannot be addressed or mitigated through conditions a report to Council shall be prepared.</li> <li>2. Delegation can only be exercised to the extent that the Scheme or Council policy provides for variations, where variation to Council policy is proposed a report will be prepared to Council.</li> </ol> |
| <b>Express power to subdelegate</b> | <p>Local Government Act 1995:<br/>s.5.44 CEO may delegate some powers and duties to other employees</p>  |
| <b>Subdelegates</b>                 | <p>Coordinator Planning Services<br/>Director Development Services<br/>Manager Planning and Building Services</p>  |
| <b>Subdelegate conditions</b>       | <p>Conditions on the Delegate also apply to the Subdelegates.</p>  |
| <b>Policy</b>                       | <p><a href="#">Local Planning Policies</a></p>   |
| <b>Record keeping</b>               | <p>Delegations exercised are to be recorded to the relevant property or reserve file within the Shire's document management system.</p>  |
| <b>Date adopted</b>                 | <p>28 April 2022</p>   |
| <b>Adoption references</b>          | <p>Item 9.4.1 Minute No. C/0422/017</p>  |

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| <b>Delegation</b>                      | <b>9.2.4 PLA8 Local Development Plans</b>   |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 09 Planning and Development Act 2005 Delegations  |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | Planning and Development (Local Planning Schemes) Regulations 2015<br>Schedule 2 Division 2 - Delegations<br>Clause 82 Delegations by local government  |
| <b>Express power or duty delegated</b> | <i>Planning and Development (Local Planning Schemes) Regulations 2015</i><br>Schedule 2<br>Deemed Provisions<br><br>Clause 48 - Preparation of local development plan<br>Clause 49 - Action by local government on receipt of application<br>Clause 50 - Advertising of local development plan<br>Clause 51 - Consideration of submissions<br>Clause 52 - Decision of local government  |
| <b>Function</b>                        | <ul style="list-style-type: none"> <li>• Consider the material provided by the applicant and determine whether sufficient information is provided or if further information from the applicant is required before the local development plan can be accepted for assessment under clause 49(1).</li> <li>• Determine under clause 50(3) whether the local development plan is to be advertised.</li> <li>• Consider submissions and take such actions as may be required under clause 51.</li> <li>• Determine whether the local development plan is approved, is required to be modified or resubmitted or refused under clause 52.</li> </ul> |
| <b>Delegates</b>                       | Chief Executive Officer   |
| <b>Conditions</b>                      | Authority only to be exercised following appropriate consideration of the matters listed under clause 48 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and the local development plan is consistent with Local Planning Scheme No6 and the Local Planning Strategy.<br><br>Authority to not advertise a local development plan can only be exercised where it can be demonstrated that it would not adversely affect the owners or occupiers within the area covered by the plan or an adjoining area.   |
| <b>Express power to subdelegate</b>    | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees  |
| <b>Subdelegates</b>                    | Director Development Services   |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegate.   |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded to the relevant property or subject file within the Shire's document management system.  |
| <b>Date adopted</b>                    | 28 April 2022   |



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| <b>Adoption references</b> | Item 9.4.1 Minute No. C/0422/017 |
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| <b>Delegation</b>                      | <b>9.2.5 PLA9 Structure Plans</b>  |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 09 Planning and Development Act 2005 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Planning and Development (Local Planning Schemes) Regulations 2015</i><br>Schedule 2 Division 2 - Delegations<br>Clause 82 Delegations by local government  |
| <b>Express power or duty delegated</b> | <i>Planning and Development (Local Planning Schemes) regulations 2015</i><br>Schedule 2<br>Deemed Provisions<br><br>Clause 16 - Preparation of structure plan<br>Clause 17 - Action by local government on receipt of application<br>Clause 18 - Advertising structure plan<br>Clause 19 - Consideration of submissions  |
| <b>Function</b>                        | <ol style="list-style-type: none"> <li>1. Consider the material provided by the applicant and determine whether sufficient information is provided or if further information from the applicant is required before the structure plan can be accepted for assessment under clause 17(1).</li> <li>2. Advertise the structure plan in accordance with clause 18.</li> <li>3. Consider submissions and take such actions as may be required under clause 19.</li> <li>4. Prepare a report on the proposed structure plan and provide it to the Western Australian Planning Commission in accordance with clause 20.</li> </ol> |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | Authority only to be exercised following appropriate consideration of the matters listed under clause 16 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) regulations 2015</i> and the structure plan is consistent with Local Planning Scheme 6 and the Local Planning Strategy.<br><br>Any applications are to be determined in accordance with Local Planning Scheme No 6.   |
| <b>Express power to subdelegate</b>    | <i>Local Government Act 1995</i><br>s.544 CEO may delegate some powers and duties to other employees   |
| <b>Subdelegates</b>                    | Coordinator Planning Services<br>Director Development Services<br>Manager Planning and Building Services   |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.<br><br>Manager Planning and Building Services (excludes power outlined in item 4)<br>Coordinator Planning Services (excludes power outlined in item 4)  |
| <b>Policy</b>                          | Local Planning Policy 5.22<br><a href="#">Shire of Broome Structure Plan and Subdivision Standards</a>   |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded to the relevant property or subject file within the Shire's document management system.   |

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| <b>Date adopted</b>        | 28 April 2022                    |
| <b>Adoption references</b> | Item 9.4.1 Minute No. C/0422/017 |

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| <b>Delegation</b>                      | <b>9.2.6 PLA10 Subdivision and Amalgamation Applications and Clearance</b>  |
| <b>Category</b>                        | Council to CEO  |
| <b>Head of power</b>                   | 09 Planning and Development Act 2005 Delegations  |
| <b>Delegator</b>                       | Local Government  |
| <b>Express power to delegate</b>       | <i>Planning and Development (Local Planning Schemes) Regulations 2015</i><br>Schedule 2 Division 2 - Delegations<br>Clause 82 Delegations by local government   |
| <b>Express power or duty delegated</b> | <i>Planning and Development Act 2005</i><br>Part 10 - Subdivision and development control<br>Division 2 - Approval for subdivision and certain transactions<br>Section 142 - Consultation requirements as to proposed subdivision<br>Section 145 - Diagram or plan of survey of approved plan of subdivision, approval of   |
| <b>Function</b>                        | Authority to respond to the Western Australian Planning Commission (WAPC) regarding applications for subdivision or amalgamation or strata submissions and the clearance of any subdivision conditions imposed by the Western Australian Planning Commission.   |
| <b>Delegates</b>                       | Chief Executive Officer   |
| <b>Conditions</b>                      | Authority to provide a response to the WAPC on an application for subdivision/amalgamation is to be exercised only when the response provided (either support with or without conditions or not to support) is consistent with an approved Structure Plan, Development Approval or the site and development requirements under Local Planning Scheme No 6 (LPS6) and the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .<br><br>Authority to provide a response to the WAPC on a request for clearance of subdivision conditions is only to be exercised where the proponent has with Council's requirements of subdivisional works; this is to include the acceptance of bonds or securities as performance guarantees against unfulfilled conditions. |
| <b>Express power to subdelegate</b>    | <i>Local Government Act 1995</i><br>s.5.44 CEO may delegate some powers and duties to other employees   |
| <b>Subdelegates</b>                    | Coordinator Planning Services<br>Director Development Services<br>Manager Planning and Building Services  |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates.  |
| <b>Policy</b>                          | Local Planning Policy - 5.22<br><a href="#">Shire of Broome Structure Plans and Subdivision Standard</a>  |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded to the relevant subdivision file within the Shire's document management system.  |
| <b>Date adopted</b>                    | 28 April 2022   |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017  |



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| <b>Delegation</b>                      | <b>9.2.7 PLA11 Submit Responsible Authority Report</b>   |
| <b>Category</b>                        | Council to CEO   |
| <b>Head of power</b>                   | 09 Planning and Development Act 2005 Delegations   |
| <b>Delegator</b>                       | Local Government   |
| <b>Express power to delegate</b>       | <i>Planning and Development (Local Planning Schemes) Regulations 2015</i><br>Schedule 2 Division 2 - Delegations<br>Clause 82 Delegations by local government  |
| <b>Express power or duty delegated</b> | <i>Planning and Development Act 2005</i><br>Part 11A - Development Assessment Panels and development control<br>Division 1 - Functions of DAP's<br>Section 171A - Prescribed development applications, DAP to determine and regulations for<br>Section 171B - DAP to carry out delegated functions<br><br><i>Planning and Development (Development Assessment Panels) Regulations 2011</i><br>Reg 11 - Local government must notify DAP of DAP application<br>Reg 12 - Responsible authority must report to DAP  |
| <b>Function</b>                        | Authority to submit the Responsible Authority Report to the presiding member of the Development Assessment Panel (DAP)   |
| <b>Delegates</b>                       | Chief Executive Officer  |
| <b>Conditions</b>                      | Authority only to be exercised where: <ul style="list-style-type: none"> <li>1. Consideration has been given to the matters listed in clause 67(2)(a) - (zb) - 'matters to be considered by local government' of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</li> <li>2. Required consultation has be be conducted, delegation can be exercised where concerns raised through consultation is not relevant planning consideration or where concerns can be addressed by way of conditions or mitigated design. Where concerns raised are relevant planning considerations that cannot be addressed or mitigated through conditions, a report to Council shall be prepared.</li> </ul> |
| <b>Express power to subdelegate</b>    | <i>Local Government Act 1995</i><br>s.5.44 CEO may delegate some powers and duties to other employees  |
| <b>Subdelegates</b>                    | Director Development Services<br>Manager Planning and Building Services  |
| <b>Subdelegate conditions</b>          | Conditions on the Delegate also apply to the Subdelegates  |
| <b>Policy</b>                          | <a href="#">Local Planning Policies</a>  |
| <b>Record keeping</b>                  | Delegations exercised are to be recorded in the Attain Compliance System.<br><br>Any supporting information should be recorded on the property file within the Shire's document management system.   |

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| <b>Date adopted</b>        | 28 April 2022                    |
| <b>Adoption references</b> | Item 9.4.1 Minute No. C/0422/017 |

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

Statutory Authorisations and Delegations to Local Government from State Government Entities

### 10.1 Environmental Protection Act 1986

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| <b>Delegation</b>                      | <b>10.1.1 Noise Control - Environmental Protection Notices [Reg.65(1)]</b>  |
| <b>Head of power</b>                   | 10 Statutory Authorisations and Delegations to Local Government from State Government Entities  |
| <b>Delegator</b>                       | Department of Water and Environmental Regulation  |
| <b>Express power or duty delegated</b> | <p>Published by: GOVERNMENT GAZETTE No.47. 19-Mar-2004<br/>Environment Western Australia Page 919</p> <p>-----</p> <p><b>EV401</b></p> <p style="text-align: center;"><b>ENVIRONMENTAL PROTECTION ACT 1986</b><br/><b>Section 20</b><br/>Delegation No. 52</p> <p>Pursuant to section 20 of the <i>Environmental Protection Act 1986</i>, the Chief Executive Officer hereby delegates as follows—</p> <p>Powers and duties delegated—</p> <p>All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice.</p> <p>Persons to whom delegation made—</p> <p>This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the <i>Local Government Act 1995</i>.</p> <p>Pursuant to section 59(1)(e) of the <i>Interpretations Act 1984</i>, Delegation No. 32, dated 4 February 2000 is hereby revoked.</p> <p>Dated this 9th day of January 2004.</p> <p>Approved—</p> <p>FERDINAND TROMP, A/Chief Executive Officer.</p> <p>Dr JUDY EDWARDS MLA, Minister for the Environment.</p> |
| <b>Delegates</b>                       | Chief Executive Officer   |
| <b>Date adopted</b>                    | 28 April 2022   |



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| <b>Adoption references</b> | Item 9.4.1 Minute No. C/0422/017 |
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| <b>Delegation</b>                      | <b>10.1.2 Noise Management Plans - Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events</b>   |
| <b>Head of power</b>                   | 10 Statutory Authorisations and Delegations to Local Government from State Government Entities  |
| <b>Delegator</b>                       | Department of Water and Environmental Regulation  |
| <b>Express power or duty delegated</b> | <p>Published by: <b>GOVERNMENT GAZETTE</b> No.232. 20-Dec-2013<br/>Environment Western Australia Page: 6282</p> <p>-----</p> <p><b>EV402</b></p> <p style="text-align: center;"><b>ENVIRONMENTAL PROTECTION ACT 1986</b><br/><b>Delegation No. 112</b></p> <p>I, Jason Banks, in my capacity as Acting Chief Executive Officer of the Department of Environment Regulation responsible for the administration of the <i>Environmental Protection Act 1986</i> ("the Act"), and pursuant to section 20 of the Act, hereby delegate to any person for the time being holding or acting in the office of a Chief Executive Officer under the <i>Local Government Act 1995</i>, my powers and duties under the <i>Environmental Protection (Noise) Regulations 1997</i>, other than this power of delegation, in relation to--</p> <p>(a) waste collection and other works--noise management plans relating to specified works under regulation 14A or 14B;</p> <p>(b) bellringing or amplified calls to worship--the keeping of a log of bell ringing or amplified calls to worship requested under regulation 15(3)(c)(vi);</p> <p>(c) community activities--noise control notices in respect of community noise under regulation 16;</p> <p>(d) motor sport venues--noise management plans in relation to motor sport venues under Part 2 Division 3;</p> <p>(e) shooting venues--noise management plans in relation to shooting venues under Part 2 Division 4;</p> <p>(f) calibration results--requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;</p> <p>(g) sporting, cultural and entertainment events--approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation--</p> <p style="padding-left: 40px;">(i) Subregulation 18(13)(b) is not delegated.</p> <p>Under section 59(1)(e) of the <i>Interpretation Act 1984</i>, Delegation No. 68, gazetted 22 June 2007 is hereby revoked.</p> <p>Dated the 12th day of December 2013.</p> <p>JASON BANKS, Acting Chief Executive Officer.</p> <p>Approved by--</p> <p>JOHN DAY, Acting Minister for Environment; Heritage.</p> |
| <b>Delegates</b>                       | Chief Executive Officer   |
| <b>Date adopted</b>                    | 28 April 2022   |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017  |



## 10.2 Planning and Development Act 2005

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| <b>Delegation</b>                      | <b>10.2.1 Sign Development Applications for Crown Land as Owner - Local Government CEOs - Instrument of Authorisation</b>   |
| <b>Head of power</b>                   | 10 Statutory Authorisations and Delegations to Local Government from State Government Entities  |
| <b>Delegator</b>                       | Department of Planning, Lands and Heritage  |
| <b>Express power to delegate</b>       | <b>Column 2</b><br>Shire of Broome  |
| <b>Express power or duty delegated</b> | <p style="text-align: center;"><b>DoL FILE 1738/2002v8; 858/2001v9</b></p> <p style="text-align: center;"><b>PLANNING AND DEVELOPMENT ACT 2005</b></p> <p style="text-align: center;"><b>INSTRUMENT OF AUTHORISATION</b></p> <p>I, <b>Donald Terrence Redman MLA</b>, Minister for Lands, a body corporate continued by section 7 (1) of the <i>Land Administration Act 1997</i>, under section 267A of the <i>Planning and Development Act 2005</i>, HEREBY authorise, in respect of each local government established under the <i>Local Government Act 1995</i> and listed in Column 2 of the Schedule, the person from time to time holding or acting in the position of Chief Executive Officer of the relevant local government, to perform the powers described in Column 1 of the Schedule subject to the conditions listed in Column 3 of the Schedule.</p> <p>Dated the 2nd day of June 2016</p> <p><b>HON DONALD TERRENCE REDMAN MLA</b><br/><b>MINISTER FOR LANDS</b></p> |

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| <p><b>Function</b></p>  | <p><b>This is the Schedule referred to in an Instrument of Authorisation relating to Development Applications under the <i>Planning and Development Act 2005</i></b></p> <p><b>Column 1</b></p> <p>The power to sign as owner in respect of Crown land that is:</p> <ul style="list-style-type: none"> <li>• a reserve managed by the local government pursuant to section 46 of the <i>Land Administration Act 1997</i> and the development is consistent with the reserve purpose and the development is not for a commercial purpose; or</li> <li>• the land is a road of which the local government has the care, control and management under section 55(2) of the <i>Land Administration Act 1997</i> and where there is no balcony or other structure proposed to be constructed over that road unless that structure comes within the definition of a 'minor encroachment' in the <i>Building Regulations 2012</i> (Regulation 45A), or is an 'awning, verandah or thing' (Regulation 45B), or is a ground anchor, and where the development is consistent with the use of the land as a road.</li> </ul> <p>in respect of development applications being made under or referred to in:</p> <ol style="list-style-type: none"> <li>i. section 99(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);</li> <li>ii. section 103(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a local interim development order (as the term is defined in that Act);</li> <li>iii. section 115 of the <i>Planning and Development Act 2005</i> in respect of development within a planning control area (as that term is defined in that Act);</li> <li>iv. section 122A of the <i>Planning and Development Act 2005</i> in respect of which approval is required under an improvement scheme (as that term is defined in that Act);</li> <li>v. section 162 of the <i>Planning and Development Act 2005</i> in respect of developments for which approval is required under a planning scheme or interim development order (as those terms are defined in that Act);</li> <li>vi. section 163 of the <i>Planning and Development Act 2005</i> in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the <i>Heritage of Western Australia Act 1990</i>, or of which such a place forms part;</li> <li>vii. section 171A of the <i>Planning and Development Act 2005</i> in respect of a prescribed development application (as that terms is defined in that section of that Act).</li> </ol> |
| <p><b>Delegates</b></p> | <p>Chief Executive Officer</p>  |

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| <p><b>Conditions</b></p>          | <p><b>Column 3</b></p> <p>In accordance with and subject to approved Government Land policies.</p> <p>Any signature subject to the following endorsement:</p> <p>Signed only as an acknowledgement that a development applications is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provisions of the <i>Planning and Development Act 2005</i> (including any planning scheme).</p> <p>The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.</p> |
| <p><b>Date adopted</b></p>        | <p>28 April 2022</p>   |
| <p><b>Adoption references</b></p> | <p>Item 9.4.1 Minute No. C/0422/017</p>  |



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| <p><b>Function</b></p>            | <p style="text-align: center;"><b>Schedule 1</b></p> <p><b>1. Applications made under section 15 of the <i>Strata Titles Act 1985</i></b><br/> Power to determine applications under section 15 of the <i>Strata Titles Act 1985</i>, except those applications that -</p> <ul style="list-style-type: none"> <li>a. propose the creation of a vacant lot;</li> <li>b. propose vacant air stratas in multi-tiered strata scheme developments;</li> <li>c. propose the creation of postponement of a leasehold scheme;</li> <li>d. propose a type 1 (a) subdivision or a type 2 subdivision (as defined in section 3 of the <i>Strata Titles Act 1985</i>);</li> <li>e. in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to - <ul style="list-style-type: none"> <li>i. a type of development; and/or</li> <li>ii. land within an area,</li> </ul> </li> </ul> <p>which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.</p> <p><b>2. Applications under section 21 and 22 of the <i>Strata Titles Act 1985</i></b><br/> Power to determine applications under-</p> <ul style="list-style-type: none"> <li>a. section 21 of the <i>Strata Titles Act 1985</i>;</li> <li>b. section 22 of the <i>Strata Titles Act 1985</i> where the amendment or repeal of scheme by-laws requires the approval of the WAPC.</li> </ul> <p><b>3. Reporting requirements</b><br/> A local government that exercises the powers referred to in clause 1 and/or clause 2, is to provide the WAPC with data on all applications determined under this Instrument of Delegation. This must be provided at the conclusion of each financial year in the format prescribed by the WAPC.</p> |
| <p><b>Delegates</b></p>           | <p>Chief Executive Officer<br/> Coordinator Planning Services<br/> Director Development Services<br/> Manager Planning and Building Services</p>   |
| <p><b>Date adopted</b></p>        | <p>28 April 2022</p>   |
| <p><b>Adoption references</b></p> | <p>Item 9.4.1 Minute No. C/0422/017</p>  |



## 10.3 Main Roads Act 1930

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| <b>Delegation</b>    | <b>10.3.1 Traffic Management - Events on Roads</b>   |
| <b>Head of power</b> | 10 Statutory Authorisations and Delegations to Local Government from State Government Entities |
| <b>Delegator</b>     | Main Roads Western Australia   |

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| <p><b>Express power or duty delegated</b></p> | <p style="text-align: center;"><b>WESTERN AUSTRALIA<br/>ROAD TRAFFIC CODE 2000<br/>REGULATION 297(2)</b><br/>INSTRUMENT OF AUTHORISATION<br/>RELATING TO<br/>TRAFFIC MANAGEMENT FOR EVENTS</p> <p>Pursuant to Regulation 297(2) of the <i>Road Traffic Code 2000</i> the Commissioner of Main Roads ("the Commissioner ") hereby authorises the Shire of Broome ("Authorised Body") by itself, its employees, consultants ,agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such traffic signs and traffic control devices of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any:</p> <ul style="list-style-type: none"> <li>i. "event" subject to an order from the Commissioner of Police pursuant to Part VA of the <i>Road Traffic Act 1974</i>;</li> <li>ii. race meeting or speed test for which the Minister referred to in section 83 of the <i>Road Traffic Act 1974</i> has, under that provision, temporarily suspended the operation of any provisions of the <i>Road Traffic Act 1974</i> or regulations made under that Act; or</li> <li>iii. public meeting or procession the subject of a permit granted by the Commissioner of Police under the <i>Public Order in Streets Act 1984</i>;</li> </ul> <p>or as may be required for the purpose of controlling traffic on a road adjacent to, or in the vicinity of, any event or organised activity approved by the Authorised Body under its local laws, on a road (other than a main road or highway) within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:</p> <p>(a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Events Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Events Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the event, a copy of which can be obtained from Main Roads Western Australia from <a href="http://www.mainroads.wa.gov.au">www.mainroads.wa.gov.au</a> or by contacting Main Roads by phone;</p> <p>(b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and</p> <p>(c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.</p> <p>By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.</p> <p>The powers in this Instrument of Authorisation do not change or replace:</p> <ol style="list-style-type: none"> <li>1) any prior Instrument of Authorisation from the Commissioner of Main Roads for the purposes of undertaking traffic management for works on roads; and</li> <li>2) any powers and responsibilities of any relevant local government provided in regulation 9 of the Road Traffic (Events on Roads) Regulations 1991.</li> </ol> |
| <p><b>Delegates</b></p>                       | <p>Chief Executive Officer<br/>Director Infrastructure<br/>Manager Operations</p>  |

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| <b>Date adopted</b>        | 28 April 2022                    |
| <b>Adoption references</b> | Item 9.4.1 Minute No. C/0422/017 |

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| <b>Delegation</b>                      | <b>10.3.2 Traffic Management - Road Works</b>   |
| <b>Head of power</b>                   | 10 Statutory Authorisations and Delegations to Local Government from State Government Entities  |
| <b>Delegator</b>                       | Main Roads Western Australia  |
| <b>Express power or duty delegated</b> | <p style="text-align: center;"><b>WESTERN AUSTRALIA ROAD<br/>TRAFFIC CODE 2000 REGULATION 297(2)<br/>INSTRUMENT OF AUTHORISATION</b></p> <p>Pursuant to Regulation 297(2) of the Road Traffic Code 2000 the Commissioner of Main Roads ("the Commissioner") hereby authorises the Shire of Broome ("Authorised Body") by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such traffic signs and traffic control devices of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any works, survey or inspection, associated with the construction, maintenance or repair on a road (other than a main road or highway), any adjoining land or any portion thereof within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:</p> <ol style="list-style-type: none"> <li>a. the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Roads Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Roadworks Advisory Group) issued by Main Roads Western Australia ("the Code) referring to the version which is current at the time of the relevant works, a copy of which can be obtained from Main Roads Western Australia from <a href="#">Main Roads Website</a> or by contacting Main Roads by phone;</li> <li>b. the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and</li> <li>c. the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.</li> </ol> <p>By executing and returning the acknowledgement at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.</p> <p>This Instrument of Authorisation replaces any prior Instrument of Authorisation under Regulation 292(2) of the Road Traffic Code 2000 between the Commissioner and the Authorised Body. The Commissioner's delegation dated 17 July 1975 to a number of Local Governments outside the Perth metropolitan area, is not affected by this Instrument of Authorisation except that this Instrument of Authorisation prevails wherever roadworks are concerned. That 1975 delegation was made under Regulation 301 of the Road Traffic Code 1975 and related to non-regulatory signage.</p> |
| <b>Delegates</b>                       | Chief Executive Officer<br>Director Infrastructure<br>Manager Operations  |
| <b>Date adopted</b>                    | 28 April 2022   |
| <b>Adoption references</b>             | Item 9.4.1 Minute No. C/0422/017  |



## 10.4 Road Traffic (Vehicles) Act 2012

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| <b>Delegation</b>                      | <b>10.4.1 Approval for Certain Local Government Vehicles as Special Use Vehicles</b>   |
| <b>Head of power</b>                   | 10 Statutory Authorisations and Delegations to Local Government from State Government Entities   |
| <b>Delegator</b>                       | Department of Transport  |
| <b>Express power or duty delegated</b> | <p style="text-align: center;"><b>ROAD TRAFFIC (VEHICLES) ACT 2012</b><br/><i>Road Traffic (Vehicles) Regulations 2014</i><br/><b>RTVR-2017-202046</b></p> <p style="text-align: center;">APPROVAL UNDER REGULATION 327(4)(f) FOR CERTAIN LOCAL GOVERNMENT VEHICLES AS SPECIAL USE VEHICLES</p> <p>Pursuant to the <i>Road Traffic (Vehicles) Regulations 2014</i> (the <i>Regulations</i>), I Christopher Davers, Assistant Director Strategy and Policy, Driver and Vehicle Services, Department of Transport, and delegate of the Chief Executive Officer of the Department of Transport by way of a delegation instrument dated 7 August 2017, hereby approve vehicles owned by a local government and ordinarily used by persons authorised or appointed by that local government to perform functions on its behalf under:</p> <ul style="list-style-type: none"> <li>a. the <i>Local Government Act 1995</i>;</li> <li>b. regulations made under the <i>Local Government Act 1995</i>;</li> <li>c. a local law;</li> <li>d. any other legislation empowering a local government to authorise or appoint persons to perform functions on the behalf of the local government (including but not limited to the <i>Dog Act 1976</i>); or</li> <li>e. any combination of the above paragraphs (a) to (d);</li> </ul> <p>as special use vehicles for the purposes of paragraph "f" of the definition of "<i>special use vehicle</i>" in regulation 327(4) of the <i>Regulations</i>, with the effect that those vehicles may be fitted with one or more yellow flashing lights under regulation 327(3)(b) of the <i>Regulations</i>, subject to the following conditions:</p> <p>Christopher Davers<br/>Assistant Director, Strategy and Policy<br/>Driver and Vehicle Services<br/>Department of Transport</p> <p>5th September 2017</p> <p><a href="http://transport.wa.gov.au">Approval for ranger vehicles to fit and use yellow flashing lights (transport.wa.gov.au)</a></p> |
| <b>Delegates</b>                       | Chief Executive Officer<br>Coordinator Community Safety & Ranger Services<br>Director Development Services<br>Manager Environmental Health, Emergency and Rangers  |

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| <p><b>Conditions</b></p>          | <ol style="list-style-type: none"> <li>1. Those lights must emit rotating, flashing yellow coloured light(s) and must not be a strobe light.</li> <li>2. At least one flashing light shall be mounted on top of the vehicle and when lit, shall be visible in normal daylight up to a distance of not less than 200 metres to vehicles approaching from any direction.</li> <li>3. No part of the lens of the flashing lights is visible either directly or indirectly to the driver when seated in the normal driving position.</li> <li>4. If more than one flashing lights is fitted, they must be placed symmetrically about the centre line of the vehicle or combination of vehicles.</li> <li>5. An on/off switch for the flashing lights must be installed so as to be easily operated from the driver's seat.</li> <li>6. Any additional equipment fitted to the vehicle must not interfere with the overall safe operation of the vehicle.</li> <li>7. Any vehicle fitted with flashing lights for the purposes of this approval must: <ol style="list-style-type: none"> <li>a. have words clearly set out on the sides of the vehicle which state the name of the local government in question together with the words "Ranger", "Ranger Services", or words to similar unambiguous effect; and</li> <li>b. where the vehicle is a station wagon or van, have the words "Ranger", "Ranger Services" or words to similar unambiguous effect clearly set out on the back of the vehicle.</li> </ol> </li> </ol> <p>This condition 7 is not intended to prevent the use of additional words on the vehicle.</p> |
| <p><b>Date adopted</b></p>        | <p>28 April 2022</p>   |
| <p><b>Adoption references</b></p> | <p>Item 9.4.1 Minute No. C/0422/017</p>  |

## AMENDMENTS

There are no amendments to display