



CITY OF VINCENT

# City of Vincent REGISTER OF DELEGATIONS, AUTHORISATIONS AND APPOINTMENTS

Delegations from Council to the CEO  
Delegations from the CEO to other employees  
Authorisations by the CEO of other employees  
Appointments by the CEO of other employees

Reviewed by Administration 21 March 2024  
Reviewed by Council 21 May 2024

## REVIEW

Reviewed by	Date approved	References
Council	25 Jun 2019	Annual review of Council delegations Council Item - OMC - 12.5 CM Ref - D19/92612
Administration	8 Jul 2019	Review and appointment of sub-delegations and authorisations. CM Ref - D19/95056
Administration	3 Sep 2019	Update authorised officers. Approval subdelegation clause 2.4.10 to Manager Public Health & Built Environment. Extended CEO delegations to Executive Directors & Managers-Clause 2.4.11.CMRef-D19/124944
Council	17 Sep 2019	Amendments to Council Delegations: - Amendment to delegations 4.4 and 10.1; - New delegations 4.10 and 17.1.3; and - Removal of delegations 2.1.1, 15.1 & 16. Item: OCM 12.5 CM Ref:D19/140608
Administration	24 Sep 2019	Updated sub-delegations, authorisations and appointments CM Ref - D19/143297
Administration - CM Ref D19/181887	25 Nov 2019	Position changes Exec Director Planning & Place to Executive Director Strategy & Development, Manager Regulatory Services to Manager Public Health & Built Environment , Manager Governance, Property & Contracts to Executive Manager Corporate Strategy & Governance, Manager Asset & Design Services to Manager Asset & Engineering, Manager Parks & Property Services to Manager Parks and Urban Green
Council	30 Mar 2020	Amendments to Council delegation 16.1.1 & addition of clause 2.1.1 - Delegation to the COVID Relief and Response Committee. Council Item: SCM - 6.1 CM Ref: D20/54046 & D20/59080
Administration	21 Apr 2020	Extension of sub-delegations and authorisations to Manager Development and Design. CM Ref: D20/73202
Administration	23 Apr 2020	Annual review undertaken by administration proposed amendments recommended to Council CM Ref: D20/73371
Council	16 Jun 2020	Annual review undertaken by Council. Extension of CEO Delegation 2.2.29 and clarification of condition 9 of delegation 16.1.1 Council Item: OMC – 12.1 CM Ref: D20/105165

Council	18 Aug 2020	Council Item - OCM 12.3 Council revoked its delegation to grant licences under regulation 17 of the Local Government (Uniform Local Provisions) Regulations 1996 to the COVID-19 Relief and Recovery Committee. Function removed from clause 2.1.1.
Council	18 Aug 2020	OCM Item 12.4 – New delegation – 16.1.4 - Issue of Heritage Conservation Notice Council delegated to CEO the power to issue a heritage conservation notice under clause 13(2), (3), (4) & (5) of Schedule 2 of Planning & Development (Local Planning Schemes) Regulations 2015. Renumbered appointment of Authorised Persons under Planning and Development Act 2005 & LPS to 16.1.5 (previously 16.1.4)
Council - Council Item OMC – 11.2	17 Nov 2020	New delegation - 2.2.18 - Leases and licences to Small Community Groups, Sporting Clubs and Community Groups and Organisations in accordance with the Property Management Framework Council delegated to the CEO the power to dispose of property in accordance with section 3.58 of the Local Government Act 1995 Existing delegations 2.2.18 to 2.2.30 renumbered 2.2.19 to 2.2.31 accordingly.
Administration	22 Apr 2021	Annual review undertaken by administration proposed amendments from CEO reviewed proposed amendments for Council recommended. CM Ref - D21/6734 D21/1169263 and D21/116707
Council - Council Item: OMC – 12.5	22 Jun 2021	Annual review undertaken by Council - 16.1.1 - Extended delegation function to determining accompanying material requirements for Local Development Plans under Clause 49 of the Planning & Development (Local Planning Schemes) Regulations 2015 including the type and extent of accompanying material requirements. Updated conditions 1, 2, and 6 of this delegation and approved new conditions 9c and 12
Council	22 Jun 2021	Removed extension of the following delegations made under the Food Act 2008 from Manager Development and Design. These being delegation 11.1, 11.2, 11.3 and 11.4 Council Item: OMC – 12.5
Administration	20 Aug 2021	Position title correction - Manager Asset and Engineering updated to Manager Engineering CM Ref - D21/148376
Council	12 Oct 2021	New delegation 4.11 - Issue of Building Infringement Notices Council delegated to CEO power to appoint "authorised officers" to issue infringement notices, for offences, "approved officers" to extend & withdraw infringement notices, the power to revoke appointment, to issue identity card to authorised person. Existing clause 4.11 - List of Authorised Persons under Building Act renumbered to 4.12

Council	14 Dec 2021	New delegation 2.1.2 - Behaviour Complaints Committee Council delegated to the Behaviour Complaints Committee authority to deal with complaints in accordance with clause 12 and 13 of the Local Government (Model Code of Conduct) Regulations 2021. Council Meeting - OMC – 9.15 CM Ref - D21/229940
Council	14 Dec 2021	New delegation 2.2.31-Appointing External Complaints Officer Council delegated to the CEO authority to appoint an external Complaints Officer to receive complaint & withdraw complaints related to the City of Vincent Code of Conduct for Council Members, Committee Members and Candidates Delegation 2.2.31 - Appointment of Authorised Persons re-numbered to delegation 2.2.32 OMC – 9.15 , D21/2299
Administration	24 Mar 2022	Annual review undertaken by administration proposed amendments to sub-delegations and authorisations approved. D22/41677 Council Item - EMC – 5.2 CM Ref - D22/50860
Council	17 May 2022	Annual review undertaken by Council (see report for amendments)  OMC – 12.1 CM Ref - D22/84449
Administrative	24 May 2022	Delegation 2.3.7 - Information to be available to the public. Regulations 29(2) and (3) of the Local Government Administration Regulations 1996 deleted in accordance with the Local Government Regulations Amendment Regulations (No. 2) 2020.
Administration	24 May 2022	Approval of sub-delegation 2.2.32 - Appointment of Community Directors – Leederville Gardens to Executive Manager Corporate Strategy and Governance CM Ref - D22/89013
Administrative	15 Sep 2022	Delegated powers under section 3.18 of the Local Government Act 1995 for the purpose of administering all powers under the Local Government Property Local Law extended to Manager Engineering & Manager Parks and Urban Green. Delegation and authorisation extended to new role of manager City Buildings and Asset Management. CM Ref - D22/161123
Administrative	4 Nov 2022	Position title change – Executive Manager Financial Services to Chief Financial Officer CM Ref - D22/181771
Administration	22 Nov 2022	Position title change – Compliance Officers to Development Compliance Officers CM Ref - D22/111860, D22/130999 & D22/203610

Administration	16 Mar 2023	Annual review undertaken by administration proposed amendments to sub-delegations and authorisations approved D23/47070 EMC – 5.5 CM Ref - D23/34733
Council	20 Jun 2023	Annual review undertaken by Council (see report for amendments) Council Item: OMC – 12.1 CM Ref: D23/88116
Administration	19 Oct 2023	A list of approved staff purchase limits included as item 2.4.1 Council Item - EMC – 5.6 Council Ref - D23/194849
Administration	21 Mar 2024	Annual review undertaken by administration amendments to sub-delegations and authorisations approved 21/03/2024 - EMC Item 5.4
Council	21 May 2024	Annual review undertaken by Council 21/05/2024 - Item 12.3

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## INTRODUCTION

### 1. Introduction

This document is a register of the delegations, authorisations and appointments of the City of Vincent.

Some legislation confers powers on local governments to allow Council to delegate power to a committee of the local government, the local government's CEO or in limited circumstances other persons or employees.

The purpose of delegating a power is to allow matters that are routine, may have a time constraint or can change rapidly to be dealt with efficiently.

The extent of delegation, conditions that may be applied, records that must be kept and the review and amendment processes depend on the various heads of power in the Acts themselves.

Western Australian legislation may be accessed online at the State Law Publisher's website at <https://www.legislation.wa.gov.au/>.

This register includes:

- Delegations from Council to the CEO;
- Sub delegations from CEO to other employees;
- Appointments of authorised persons; and
- Appointments of other employees.

#### 1.1 The difference between a delegation, 'acting through' another person and an 'authorised person'

##### **A Delegation**

Simply put, a delegation is the process prescribed in legislation for assigning authority to exercise an express power or duty from the delegate to another person (named by position title or office) or an entity (the delegate).

Some legislation confers a power directly on a person. A person appointed to a statutory office does not need any further delegation or authorisation in order to fulfil those assigned powers and duties. For example:

- The *Local Government Act 1995* lists statutory offices including Mayor, CEO and Returning Officer;
- The *Public Health Act 2016* assigns duties to Environmental Health Officers;
- The *Building Act 2011* assigns duties to Building Surveyors; and
- The *Local Government Act 1995*, *Cat Act 2011* and *Graffiti Vandalism Act 2016* also allow a local government CEO to delegate any powers or duties assigned to their office.

##### **Acting through another person**

Employees do not always need delegations or sub delegations to carry out their tasks and functions on behalf of the local government. Basically a function may be undertaken through the "acting through" concept where a person has no discretion in carrying out that function – the outcome will not be substantially different regardless of the circumstances or who exercised the power.

Section 5.16(4) of the Local Government Act 1995 provides that:

*(4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.*

Similarly, s5.45(2) Act provides that:

*Nothing in this Division (Division 4 - Local Government Employees) is to be read as preventing –*  
*a) a local government from performing any of its functions by acting through a person other than the Chief Executive Officer; or b)*  
*a Chief Executive Officer from performing any of his or her functions by acting through another person.*

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

### **Authorised persons**

Authorised persons (and who under some Acts do not necessarily have to be employees of the local government but often are) are given powers to do certain things under an Act, Regulation or local law; usually to issue an infringement, make inquiries, enter on to property, issue a notice or to enforce a provision.

In accordance with section 9.10(2) of the Act the CEO may appoint authorised persons for the purposes of 1 or more of the following laws;

1. *Local Government Act 1995*;
2. *Caravan Parks and Camping Grounds Act 1995*;
3. *Cat Act 2011*;
4. *Cemeteries Act 1986*;
5. *Control of Vehicles (Off-road Areas) Act 1978*;
6. *Dog Act 1976*; and
7. subsidiary legislation made under an Act referred above; and written law prescribed for the purposes of section 9.10 of the *Local Government Act 1995*.

The power to appoint an Authorised Officer may reside with the Council or the CEO depending on the legislation. Note that a council can delegate authority to its CEO to appoint authorised persons under legislation; in some Acts an employee or other person holding an office are directly authorised under that Act itself. Provisions vary by Act.

An authorised person, once appointed, is responsible for fulfilling the powers and duties assigned under law to an authorised person, which may be specified or limited in an Act or Regulation, or the certificate of authorisation. An authorised person cannot delegate their powers and duties to another person.

Who may appoint authorised persons depends on the enabling legislation.

Authorised persons may or may not have delegated authority to undertake certain actions – the delegation of authority is a separate matter, although they are included in this register for ease of reference and review.

## 1.2 The Interpretation Act 1984 – principles of delegation

Section 59 of the Interpretation Act 1984 prescribes the framework for how delegated authority must be structured in Western Australian law. In summary:

1. The written law (head of power) must include an express power to delegate, which specifically enables a person (the delegator) to make a delegation;
2. In that same written law, there must be an express power or duty conferred or imposed on the delegator and it must be capable of being delegated. This means that:
  - a. The power or duty proposed for delegation must be written in the same law as the express power to delegate; and
  - b. That written law must not prohibit the power or duty from being delegated or contain limitations or conditions, which the proposed delegation exceeds.
3. The power to delegate cannot be delegated;
4. Delegations must be in writing (the instrument of delegation); and
5. Delegations must be advised to the delegate in writing.

Note that nothing prevents the delegating body or person from taking back a delegation or sub delegation, or actually making the relevant decision on a particular issue. Similarly, a delegator does not have to exercise the delegation and may refer the decision back to the delegator.

Similarly, section 59(2) provides that:

*The delegation of a power shall be deemed to include the delegation of any duty incidental thereto or connected therewith and the delegation of a duty shall be deemed to include the delegation of any power incidental thereto or connected therewith.*

Delegation by office or by name Section 53 of the *Interpretation Act 1984* provides that a delegation can be to the holder of an office (whether acting or permanent) or by naming an individual:

*Where a written law confers a power or imposes a duty upon a person to appoint or designate a person to —*

*(a) perform any function; or*

*(b) be a member of any board, tribunal, commission, committee, council, or other similar body, whether corporate or unincorporate; or*

*(c) be or do any other thing, that person may make the appointment or designation either by appointing or designating a person by name or by appointing or designating the holder of an office by the term designating his office; and any such appointment or designation of the holder of an office shall be construed as the appointment or designation of the person from time to time holding, acting in, or lawfully performing the functions of the office.*

Delegations made by the City are to the holder of an office.

Section 49 of the *Interpretation Act 1984* provides that the officer's powers and duties may be exercised by acting officer

*Where a written law confers a power or imposes a duty on the holder of a public office as such, the power may be exercised and the duty shall be performed by the person for the time being lawfully holding, acting in, or performing the functions of the office.*

## 1.3 How this document is structured

Matters that apply generally to delegations and authorisations are set out in this introduction. As there can be differences in legislation, delegations that may be made under various Acts are set out by Act, rather than by employee or organisational structure.

While generally prohibited, some legislation does allow sub-delegation (mainly the Local Government Act) from Council to the CEO, and from the CEO to other employees. Delegations from the CEO to other employees and appointments of authorised persons are listed in other documents.

Each section of this document is structured as follows:

- Guidance notes, including any particular requirements of the enabling legislation of unusual features;
- Delegations from Council to a committee (if allowed by the enabling legislation and if the City has any committees established to deal with the power to be exercised);
- Delegations from the CEO to an employee (or other person if allowed by the enabling legislation); and
- A list of persons authorised to perform certain functions under the enabling legislation.

The individual delegations are set out as follows.

#### Heading

*A snapshot of what it is that is delegated*

Delegation from Council to CEO

*Most legislation refers to a 'local government'. This heading makes it clear that in this case, this is a delegation from Council to the CEO. Under most Acts, Council can only delegate to the CEO.*

**Delegator:** Power / Duty assigned in legislation to: '*Local Government*' will be the entity in most cases.

**Express Power to Delegate:** Power that enables a delegation to be made This sets out the head of power in the Act or regulation that allows a power to be delegated; eg

*Local Government Act 1995:*

*s.5.42 Delegation of some powers or duties to the CEO*

*s.5.43 Limitations on delegations to the CEO*

**Express Power or Duty Delegated:** The section or part of the Act that is being delegated; eg:

*Local Government Act 1995:*

*s.5.50 Making payments to employees in addition to contract or award.*

**Function:** This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation. A summary of what is delegated; eg:

*The Chief Executive Officer is delegated the power to approve of making payment to employees in addition to their contract or Award.*

**Council Conditions on this Delegation:** This sets out any conditions or limitations; e.g.:

*Payments must be in accordance with Council policy 1234*

**Express Power to SubDelegate:** Some legislation allows sub-delegation from the CEO to another employee and some does not.

*Local Government Act 1995:*

*s.5.44 CEO may delegate some powers and duties to other employees*

Delegation by CEO to other employees Where subdelegation is allowed, this section sets out who it is to, and what additional conditions might apply.

**Sub-Delegate/s:** Appointed by CEO

**CEO Conditions on this Sub-Delegation:** Conditions on the original delegation also apply to the sub-delegations.

**Notes** This sets out any matters that might relate to the power delegated not covered above, links to policies, local laws or administrative procedures that might apply.

## 1.4 Exercising delegated authority

### **Overall requirements**

Before using a delegated authority a delegate must familiarise themselves with the legislative framework, conditions and limitations relevant to the statutory power or duty that informs the decisions they will make.

The delegate must also consider and apply local laws, Council decisions, policy, procedures or standards that are relevant to the decisions they are empowered to make.

### **Conflicts of interest**

The City requires persons to whom authority has been delegated to deal appropriately with conflicts of interest.

Section 5.71 of the *Local Government Act 1995* provides that employees must disclose interests relating to delegated functions:

**5.71. Employees to disclose interests relating to delegated functions**

*If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and — (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. Penalty: \$10 000 or imprisonment for 2 years.*

A conflict of interest arises where a personal interest is in conflict with the public interest. Delegates must disclose any conflict of interest which may require them to be removed from the decision-making process.

A delegate must ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.

A delegate may also refer the decision making back to the delegator, where they consider there is a risk or sensitivity, which makes it more appropriate for the delegator to make that decision.

The City's Code of Conduct also applies.

**Requirement for annual return and disclosures by delegate**

An employee to whom a duty or power is delegated under the *Local Government Act 1995* is considered a 'designated employee' under section 5.74(1) of the Act and is required to complete a primary and annual return each year.

**Keeping a record of decisions made under delegated authority**

In accordance with Section 5.46(3) of the *Local Government Act 1995*, a person to whom a power or duty is delegated is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty. Regulation 19 of the *Local Government (Administration) Regulations 1996* requires a delegate to keep a written record of:

- a. how the person exercised the power or discharged the duty;
- b. when the person exercised the power or discharged the duty; and
- c. the person or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

The City has decided that this applies regardless of the enabling legislation.

A central record of decisions made under a delegation is unnecessary but a record must be kept by the person exercising the power.

A record made that complies with the City's record keeping policy (e.g. a letter or email sent in accordance with that policy) is sufficient.

**Ethical and accountable decision making**

Delegates are accountable for all decisions that they make and must ensure that those decisions are made with the highest of ethical and professional standards.

## 2. Delegations made under the Local Government Act 1995

The *Local Government Act 1995 (the Act)* is the legislation most widely used for delegations by local governments.

The Act confers some powers directly on a CEO, and s 5.44 sets out the duties of a CEO.

This part of the register deals with delegations from Council under the Act. Under this Act, Council may delegate authority to a committee or to the CEO.

Council may place restrictions or conditions on the exercise of that power or duty such as a financial amount, to take into



account a policy or direction from Council, or something particular only to the matter delegated.

#### Delegation from Council to a committee

Section 5.16 of the *Local Government Act 1995* allows Council to delegate by an absolute majority vote some powers and duties to certain committees. This is to be in writing and may be general or as otherwise provided in the instrument of delegation.

Subject to sections 58 and 59 of the *Interpretation Act 1984* —

- (a) A delegation made to a committee under s5.16 has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
- (b) Any decision to amend or revoke a delegation under this section is to be by an absolute majority.

There are limits on delegation of powers and duties to certain committees set out in s5.17:

1. A local government can delegate —
  - a. to a committee comprising council members only, any of the council's powers or duties under this Act except —
    - i. any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and
    - ii. any other power or duty that is prescribed; and
  - b. to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and
  - c. to a committee referred to in section 5.9(2)(c), (d) or (e)\*, any of the local government's powers or duties that are necessary or convenient for the proper management of —
    - i. the local government's property; or
    - ii. an event in which the local government is involved.
2. A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f)\*\*.

\* A committee comprising:

- (c) council members, employees and other persons; or
- (d) council members and other persons; or
- (e) employees and other persons.

\*\* A committee comprising of other persons only.

#### Delegation from Council to the CEO

Section 5.42 allows Council 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.

It cannot delegate to any other person or employee unless expressly provided for in legislation.

All delegations made by Council to the CEO must be by an absolute majority decision, and must be reviewed at least annually.

#### Restrictions on delegations from the Council to the CEO

Section 5.43 of the Act restricts what can be delegated by Council to the CEO:

- A power under sections 214(2), (3) or (5) of the *Planning and Development Act 2005* (which relate to a local governments powers to deal with Illegal development);
- Any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- Accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- Appointing an auditor;
- Acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- Any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100 (which relate to fees for elected members, an allowance for the Deputy Mayor, meeting fees and reimbursement of expenses, and payments for certain committee members) ;
- Borrowing money on behalf of the local government;
- Hearing or determining an objection of a kind referred to in section 9.5 (which relates to an objection or appeal in response to a decision to grant a person an authorisation under Part 3 or under any local law or regulation that is to operate as if it were a local law; or to renew, vary, or cancel an authorisation that a person has under any of those provisions);

- The power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- Any power or duty that requires the approval of the Minister or the Governor;
- Such other powers or duties as may be prescribed under the *Local Government (Administration) Regulations 1996*, and which are under : o section 7.12A(2), (3)(a) or (4) of the Act (which relate to duties of local government with respect to audits, determine if any matters raised by the audit report, require action to be taken by the local government, prepare a report addressing any matters identified as significant by the auditor in the audit report and advise the Minister); and o Regulations 18C and 18D which relate to the selection and appointment process for CEOs and the local government's duties in relation to a performance review of CEO.
- Regulation 6 of the *Local Government (Financial Management) Regulations 1996* prohibits the delegation of the duty to conduct an internal audit to an employee (including a CEO) who has been delegated the duty of maintaining the local government's day to day accounts or financial management operations.

#### Delegation from the CEO to another employee

Under s5.44 the CEO may sub-delegate any of these powers and duties functions to another employee, other than the power of delegation itself.

Those delegations are also subject to any restrictions or conditions that the Council may have placed on the delegation to the CEO. The CEO may add further conditions or restrictions, and which also must be reviewed annually.

Parameters are summarised below, as are the delegations themselves. More detail about the particular sections of the Act that apply is also made under each heading.

## DELEGATIONS

## 02 Delegations made under the Local Government Act 1995

## 02.1 Delegations from Council to committees

<b>Delegation</b>	<b>2.1.1 Delegation to Behaviour Complaints Committee</b>
<b>Category</b>	PART 2. DELEGATIONS TO COMMITTEES
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.16 and 5.17 Delegation of some powers and duties to certain committees
<b>Express power or duty delegated</b>	<i>Local Government (Model Code of Conduct) Regulations 2021:</i> Clause 12 Dealing with a complaint 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 (MCC.cl.12(1) and (3)). In making any finding the Committee must also determine reasons for the finding (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 (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 (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 (MCC.cl.13(1) and (2)).</li> </ol>
<b>Delegates</b>	Behaviour Complaints Committee
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. The Committee will make decisions in accordance with the principles and specified requirements established in the Code of Conduct Behaviour Complaints Management Policy</li> <li>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.</li> <li>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</li> <li>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.</li> </ol>
<b>Express power to subdelegate</b>	Nil

<b>Statutory framework</b>	Code of Conduct for Council Members, Committee Members and Candidates; Code of Conduct Behaviour Complaints Management Policy; Behaviour Complaints Committee Terms of Reference
<b>Record keeping</b>	Committee Minutes shall record the details of each decision made under this delegation in accordance with the requirements of Local Government (Administration) Regulation 19.
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

## 02.2 Delegations from Council to the CEO.

<b>Delegation</b>	<b>2.2.1 Appointment of an acting CEO</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	Section 5.42 <i>Local Government Act 1995</i>
<b>Express power or duty delegated</b>	Power to appoint an Acting Chief Executive Officer under s5.36(1)(a).
<b>Function</b>	Power to appoint an Acting Chief Executive Officer under s5.36(1)(a).
<b>Delegates</b>	CEO
<b>Conditions</b>	<ul style="list-style-type: none"> <li>• The Employee being designated a "Senior Employee", as prescribed by the Local Government Act;</li> <li>• Appointments being no longer than 6 weeks;</li> <li>• Council Members to be advised of acting Chief Executive Officer;</li> <li>• The acting role to be rotated between the Executive Directors of the City where practicable.</li> </ul>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employee
<b>Subdelegates</b>	Executive Manager Corporate Strategy and Governance
<b>Subdelegate conditions</b>	N/A
<b>Record keeping</b>	Notes: Previously Delegation 1.1 of the City's 2018/19 Register.
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>2.2.2 Serving of notices requiring certain things to be done by owner or occupier of land</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> Sections 3.25(1) and 3.26
<b>Function</b>	The Chief Executive Officer is delegated the power to: <ul style="list-style-type: none"> <li>1. Issue a notice in writing relating to the land requiring the person to do anything specified in Schedule 3.1, Division 1 or for the purpose of remedying or mitigating the effects of any offence prescribed in Schedule 3.1, Division 2; and</li> <li>2. do anything that he considers necessary to achieve, so far as is practicable, the purpose for which the notice was given, including recovering the cost of anything it does as a debt due from the person who failed to comply with the notice.</li> </ul>
<b>Delegates</b>	CEO
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Director Community and Business Services Executive Director Infrastructure and Environment Executive Director Strategy and Development Manager Development and Design Manager Public Health and Built Environment Manager Ranger Services
<b>Record keeping</b>	Notes: Previously delegation 1.3 of the City's 2018/19 Register.
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>2.2.3 Performing particular things on land which is not local government property</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> Section 3.27 A local government may perform its general functions of the things prescribed in Schedule 3.2 of the Act on land, even though the land is not local government property and the local government does not have consent to do it.
<b>Function</b>	The Chief Executive Officer is delegated the power to carry out things prescribed in Schedule 3.2 even though the land is not local government property and the local government does not have consent to do it
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Director Infrastructure and Environment Manager Engineering Manager Parks
<b>Subdelegate conditions</b>	Subdelegates are limited to the following functions: Executive Director Infrastructure and Environment: All functions Manager Engineering: Functions 1 – 5 Manager Parks: Functions 1, 3, 4 and 7  <ol style="list-style-type: none"> <li>1. Carry out works for the drainage of land. Do earthworks or other works on land for preventing or reducing flooding.</li> <li>2. Take from land any native growing or dead timber, earth, stone, sand or gravel that, in its opinion, the local government requires for making or repairing a thoroughfare, bridge, culvert, fence or gate.</li> <li>3. Deposit and leave on land adjoining a thoroughfare any timber, earth, stone, sand, gravel, and other material that persons engage in making or repairing a thoroughfare, bridge, culvert, fence, or gate do not, in the local government's opinion, require</li> <li>4. Make a temporary thoroughfare through land for use by the public as a detour while work is being done a public thoroughfare.</li> <li>5. Place on land signs to indicate the name of public thoroughfares.</li> <li>6. Make safe a tree that presents serious and immediate danger, without having to give the owner the notice otherwise required by regulations.</li> </ol>
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>2.2.4 Powers of entry</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to exercise powers of enter to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law [s.3.28].</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>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Coordinator Ranger Services Executive Director Infrastructure and Environment Executive Director Strategy and Development Manager Ranger Services Senior Ranger
<b>Statutory framework</b>	<i>Local Government Act 1995:</i> s.9.10 Appointment of authorised persons – refer also s.3.32(2)] Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry s.3.34(2) Entry in an emergency – Refer to CEO Delegation 2.4.1
<b>Record keeping</b>	Notes: Previously delegation No 1.5 of the City's 2018/19 Register. Powers of entry to enter property to seize dogs are dealt with under the <i>Dog Act 1976</i> .
<b>Date adopted</b>	20 June 2024
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024



<b>Delegation</b>	<b>2.2.5 Declare vehicle is abandoned vehicle wreck</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.40A(4) Abandoned vehicle wreck may be taken
<b>Function</b>	Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
<b>Delegates</b>	CEO
<b>Conditions</b>	The declaration is to be recorded in the appropriate record to meet legislative requirements.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Coordinator Ranger Services Executive Director Community and Business Services Executive Director Infrastructure and Environment Manager Ranger Services Senior Ranger
<b>Subdelegate conditions</b>	If after seven days from the removal of a vehicle deemed to be an abandoned wreck the owner of the vehicle has not been identified or after seven days from the giving of a notice the owner has not collected the vehicle the local government may declare that the vehicle is an abandoned vehicle wreck.
<b>Record keeping</b>	Notes: Previously delegation No 1.6 of the City's 2018/19 Register.
<b>Date adopted</b>	20 June 2024
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>2.2.6 Confiscated or uncollected goods</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.46 Goods May be withheld until costs paid s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of
<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>	CEO
<b>Conditions</b>	Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Coordinator Ranger Services Executive Director Community and Business Services Executive Director Infrastructure and Environment Manager Ranger Services Senior Ranger
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	<p><i>Local Government Act 1995:</i> Part 3, Division 3, Subdivision 3 s.3.58 Disposing of Property – applies to the sale of goods under s.3.47 as if they were property referred to in that section.</p> <p>Guidance note Section 3.47 of the Act specifies that s.3.58 applies to disposal of goods under s.3.47.</p> <p>Note however, that the s.3.57 tender requirements do not apply to either the disposal of confiscated or uncollected goods OR the Disposal of Property under s.3.58. (s.3.57 applies only to “contracts... under which another person is to supply goods or service’).</p>

<b>Record keeping</b>	Notes: Previously delegation No 1.7 of the City's 2018/19 Register.
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>2.2.7 Disposal of sick or injured animals</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.47A Sick or injured animals, disposal of 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>	CEO
<b>Conditions</b>	Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Coordinator Ranger Services Executive Director Community and Business Services Executive Director Infrastructure and Environment Manager Ranger Services Senior Ranger
<b>Subdelegate conditions</b>	Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>2.2.8 Closing thoroughfares to vehicles</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.50 Closing certain thoroughfares to vehicles s.3.50A Partial closure of thoroughfare for repairs or maintenance s.3.51 Affected owners to be notified of certain proposals
<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: <p>give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and</p> <ol style="list-style-type: none"> <li>1. consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)].</li> <li>2. Authority to revoke an order to close a thoroughfare [s.3.50(6)].</li> <li>3. 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>4. 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> </li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)].</li> <li>b. Maintain access to adjoining land [s.3.52(3)]</li> <li>c. Permanent closures to be referred to Council for determination.</li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Director Infrastructure and Environment Manager Engineering
<b>Subdelegate conditions</b>	Nil
<b>Record keeping</b>	Notes: Previously delegations No 1.10, 1.12 and 1.13 of the City's 2018/19 Register.
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1

<b>Last reviewed</b>	21 May 2024
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<b>Delegation</b>	<b>2.2.9 Control or roads reserves and certain unvested facilities</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government s3.51(3) & (4) Affected owners to benotified of certain proposals Land Administration Act 1997 s46 Care, control and management of reserves s55(2) Property in and management etc. of roads
<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 City that the City could do under s.5 of the <a href="#">Parks and Reserves Act 1895</a>. [s.3.54(1)].</li> <li>3. Authority to do anything for the purpose of care, control and management of a road in the district, subject to the Main Roads Act 1939 and Public Works Act 1902.</li> <li>4. Authority to give notice of a proposal, invite submissions and consider those submissions before fixing, altering or realigning a public thoroughfare or draining water onto adjoining land.</li> <li>5. Authority for signing of planning applications and building permits as the owner relating to City facilities, infrastructure and land.</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	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.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Director Infrastructure and Environment Executive Manager Corporate Strategy and Governance Manager City Buildings & Asset Management Manager Engineering
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
21 May 2024	Amended delegation	Delegation amended as part of annual review	OMC 21/05/2024 - Item 12.3



<b>Delegation</b>	<b>2.2.10 Obstruction of footpaths and thoroughfares</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a) r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b) r.7 Encroaching on public thoroughfare –Sch.9.1. cl.3(2)
<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>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.</li> <li>b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.</li> <li>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works.</li> <li>iii. Provided evidence of sufficient Public Liability Insurance.</li> <li>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Director Infrastructure and Environment Manager Engineering

<b>Statutory framework</b>	Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.2 – Public Thoroughfare Obstruction – Determine Conditions <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> 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>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>2.2.11 Public thoroughfares – dangerous excavations</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.11(1), (4), (6) &(8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
<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>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works.</li> <li>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works.</li> <li>iii. Provided evidence of sufficient Public Liability Insurance.</li> <li>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Director Infrastructure and Environment Executive Director Strategy and Development Manager Public Health and Built Environment Manager Ranger Services
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	<a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures 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>Date adopted</b>	20 June 2023

<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>2.2.12 Crossovers - construction, repair and removal</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7 (2) r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)
<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>	CEO
<b>Conditions</b>	a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> .
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Director Infrastructure and Environment Manager Engineering
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	<a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures 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>	Notes: Previously delegation 2.5B (part) of City's 2018/19 Register.
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>2.2.13 Private works on, over or under public places</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> r.17 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 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>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.</li> <li>b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works.</li> <li>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works.</li> <li>iii. Provided evidence of sufficient Public Liability Insurance.</li> <li>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Director Infrastructure and Environment Executive Manager Corporate Strategy and Governance Manager Engineering
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	<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 to Determine and Manage Conditions on Permission for Private Works 2.2.14 on, over, or under Public Places Penalties under the <i>Uniform Local Provisions Regulations</i> are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p>
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1

<b>Last reviewed</b>	21 May 2024
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<b>Delegation</b>	<b>2.2.14 Expressions of interest for goods and services</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
<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>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Director Community and Business Services Executive Director Infrastructure and Environment Executive Director Strategy and Development
<b>Statutory framework</b>	<a href="#"><i>Local Government (Functions and General) Regulations 1996</i></a> – prescribe applicable statutory procedures
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024



<b>Delegation</b>	<b>2.2.15 Tenders for goods and services</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11 When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for r.18 Rejecting and accepting tenders r.20 Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
<b>Function</b>	<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 invite tenders although not required to do so [F&amp;G r.13].</li> <li>4. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&amp;G r.14(2a)].</li> <li>5. 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>6. 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>7. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&amp;G r.18(4)] and either: <ol style="list-style-type: none"> <li>i. Accept, or reject tenders under a value of \$250,000 in accordance with the requirements of the Functions and General Regulations [F&amp;G r.18(2) and (4)]; or</li> <li>ii. Recommend to council acceptance or rejection of all other tenders.</li> </ol> </li> <li>8. Authority to determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender, and to then negotiate minor variations with the successful tenderer before entering into a contract [F&amp;G r.20(1) and (3)].</li> <li>9. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&amp;G r.18(4a)].</li> <li>10. Authority to decline any tender [F&amp;G r.18(5)].</li> <li>11. 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>12. 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%.</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>13. 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>

<b>Delegates</b>	CEO
<b>Conditions</b>	<p>The invitation to tender is to be entered into the Tender Register in the prescribed manner. Selection criteria must be recorded in the appropriate record and comply with the requirements of the Regulations.</p> <p>Details of the minor variations must be recorded in the appropriate record.</p> <p>Details of the calling of expressions of interest must be recorded in the appropriate record and in the Tender Register.</p> <p>The delegation is subject to:</p> <ol style="list-style-type: none"> <li>1. tenders called to comply with Council's Policy No. 1.2.2 – "Code of Tendering" and Policy No. 1.2.3 – "Purchasing Policy" ; and</li> <li>2. tenders can only be invited for those goods and services identified in the Annual Budget, Plan for the Future or where the expenditure has been approved in advance by Council;</li> </ol>
<b>Express power to subdelegate</b>	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
<b>Subdelegates</b>	<p>Executive Director Community and Business Services Executive Director Infrastructure and Environment Executive Director Strategy and Development</p>
<b>Statutory framework</b>	<p><a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures</p> <p>Guidance notes:</p> <p>Contract Variations The <a href="#">Local Government (Functions and General) Regulations (reg 21A)</a> enables contract variations applying only to contracts formed with a successful tenderer. A delegation of reg 21A is required for the CEO (or any sub-delegate) to vary a tender contract.</p> <p>Making, varying or discharging contracts formed through mechanisms other than a tender, are not subject to reg 21A. Section.9.49B9 of the Act applies to non-tender contracts and requires that any person making decisions to make, vary or discharge a contract must do so under the authority of the Local Government. Meaning there must either be an express Council resolution enabling the CEO to administer the contract OR the contract is operational in nature and may be administered by the CEO (or officers by Acting Through).</p> <p>Contract Management In addition, the CEO may assign operational responsibilities for contract administration via position descriptions or documented procedures.</p>
<b>Record keeping</b>	<p>Notes: Previously delegation 1.19 of the City's 2018/19 register.</p>
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>2.2.16 Panels of pre-qualified suppliers for goods and services</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government (Functions and General) Regulation 1996:</i> r.24AB Local government may establish panels of pre-qualified suppliers r.24AC(1)(b) Requirements before establishing panels of pre-qualified suppliers r.24AD(3) & (6) Requirements when inviting persons to apply to join panel of pre-qualified suppliers r.24AH(2), (3), (4) and (5) Rejecting and accepting applications to join panel of pre-qualified suppliers
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine that a 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>	CEO
<b>Conditions</b>	a. Panels of pre-qualified suppliers may only be established, where the total consideration under the resulting contract is \$250,000 or less and the expense is included in the adopted Annual Budget.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Director Community and Business Services Executive Director Infrastructure and Environment Executive Director Strategy and Development
<b>Subdelegate conditions</b>	Panels of pre-qualified suppliers may only be established, where the total consideration under the resulting contract is \$250,000 or less and the expense is included in the adopted Annual Budget

<b>Statutory framework</b>	<a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures
<b>Policy</b>	Council Policy 1.2.3 Purchasing Policy – clause 5.
<b>Record keeping</b>	Notes: Previously delegation 1.27 of the City's 2018/19 register.
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>2.2.17 Disposing of property</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> 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. to the highest bidder at public auction [s.3.58(2)(a)].</li> <li>b. to the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tenders [s.3.58(2)(b)]</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>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required.</li> <li>b. In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of \$250,000 or less.</li> <li>c. When determining the method of disposal: <ol style="list-style-type: none"> <li>a. 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>b. 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>c. 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 that the reasons for such a decision are recorded.</li> </ul> </li> <li>d. Where the market value of the property (other than land) is determined as being less than \$20,000 (F&amp;G r.30(3) excluded disposal) may be undertaken: <ol style="list-style-type: none"> <li>a. Without reference to Council for resolution; and</li> <li>b. 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 the disposal must ensure environmentally responsible disposal.</li> </ol> </li> </ol> </li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Subdelegates</b>	Executive Director Infrastructure and Environment Executive Director Strategy and Development Executive Manager Corporate Strategy and Governance
<b>Subdelegate conditions</b>	Executive Director Infrastructure and Environment – The delegation is subject to the value of the property not exceeding \$100,000. Executive Manager Corporate Strategy and Governance - The delegation is subject to the value of the property not exceeding \$50,000.
<b>Statutory framework</b>	<a href="#">Local Government Act 1995 – s.3.58</a> Disposal of Property <a href="#">Local Government (Functions and General) Regulations 1995 – r.30</a> Dispositions of property excluded from Act s. 3.58  Note that s.3.57 tender requirements do not apply to the Disposal of Property under s.3.58 (s.3.57 applies only to “contracts ... under which another person is to supply goods or service”).
<b>Record keeping</b>	Notes: Previously delegation 1.23 of the City's 2018/19 Register.
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
21 Mar 2024	Amended delegation	CEO conditions on Sub-Delegation amount, for Executive Director Infrastructure and Environment, to \$100,000. To accommodate the increased residual value of light and heavy fleet being disposed via trade-in, auction, or direct sale.	Amended as part of annual review - EMC Item 5.4

<b>Delegation</b>	<b>2.2.18 Disposing of Property by Leases and Licenses</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.58 Disposing of Property
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to approve and execute variation, extension, assignment, termination, surrenders, special conditions or payment schedules of an approved lease, license or management agreement for Category One (1) – Small Community Group, or Category Two (2) Sporting Clubs and Community Groups and Organisations; and</li> <li>2. Authority to approve and execute any minor variations (being non-material and does not alter the substantive terms of a lease or licence), extension, assignment (including consent to a deemed assignment), termination, surrender, subletting, special conditions or payment schedules of an approved lease or licence for Category Three (3) – Commercial Entities, State and National clubs, Associations and Community Organisations; and Category (4) – Government Agencies.</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. Requests from community or sporting groups not currently occupying a City building in Category One (1) or Category Two (2), will require a specific resolution of Council.</li> <li>2. The delegation does not extend to Category Three (3) or Four (4) of the Property Management Framework. Any leases or licences in accordance with Category Three (3) or Four (4) will require a specific resolution of Council.</li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Director Community and Business Services Executive Director Infrastructure and Environment Executive Director Strategy and Development Executive Manager Corporate Strategy and Governance
<b>Statutory framework</b>	<a href="#">Local Government Act 1995 –s.3.58</a> Disposal of Property <a href="#">Local Government (Functions and General)Regulations 1995 –r.30</a> Dispositions of property excluded from Act.
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>2.2.19 Payments from the municipal or trust funds</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to make payments from the municipal or trust funds [r.12(1)(a)].</li> <li>2. Authority to transfer funds held in the Trust Fund for over 10 years to the Municipal Fund.</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	a. Authority to make payments is subject to annual budget limitations.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Chief Financial Officer Executive Director Community and Business Services Executive Director Infrastructure and Environment Executive Manager Corporate Strategy and Governance Financial Controller
<b>Subdelegate conditions</b>	<ol style="list-style-type: none"> <li>1. Delegates must comply with the procedures approved by the CEO in accordance with Financial Management Regulation 5.</li> <li>2. Payments by Cheque and EFT transactions must be approved jointly by two delegates, one of whom must be the CEO, Executive Director Community and Business Services, Chief Financial Officer, or Financial Controller.</li> <li>3. Delegates that approve the payment must not verify the liability. The verification of incurring the liability via the purchase order, invoice and evidence of goods / service received, must be undertaken independent of the payment approval.</li> </ol>
<b>Statutory framework</b>	<a href="#">Local Government Act 1995</a> <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. <a href="#">Local Government (Audit) Regulations 1996</a>
<b>Policy</b>	<p>Department of Local Government, Sport and Cultural Industries Operational <a href="#">Guideline No.11 – Use of Corporate Credit Cards</a></p> <p>Department of Local Government, Sport and Cultural Industries: <a href="#">Accounting Manual</a></p> <p><b>Guidance notes</b></p> <p><i>The difference between incurring liabilities and making payments</i></p> <p>The following information will assist in understanding the legislative framework that informs:</p> <ul style="list-style-type: none"> <li>• Incurring a liability as a procedural matter subject to CEO authorisations; and</li> <li>• Making payments as an express (written) statutory power which is capable of being delegated.</li> </ul>



*Incurring liabilities (procedures and administrative authorities)*

Incurring liabilities is not described in the Local Government Act or Regulations as an express power or duty, rather it is only described as a requirement for the Local Government and the CEO to control by developing "systems and procedures" [see FM Regs 5 and 11].

Incurring liabilities is therefore not an express (written) power or duty which is capable of being delegated. The CEO must establish systems and written procedures which give effect to compliance with legislation and purchasing policy and provide appropriate internal controls and risk mitigation for incurring liabilities.

- Issuing a requisition – a requisition is only a proposal to purchase (FM Regs 5 & 11) describing the goods or services required to enable a decision to issue a purchase order. It does not incur a liability as the goods / services may only be provided on the basis of an appropriately issued purchase order. Administrative procedures should establish which positions are authorised to issue requisitions.
- A decision to issue a requisition and therefore a purchase order is informed by other, previous Council decisions, for example – the budget adopted by Council, Council decisions to approve projects or implement policies.
- The decision to incur a liability where a budget provision has been made is part of implementing a Council decision and therefore accords with the CEO's duties under s.5.41(c).
- *Issuing a purchase order* – a purchase order creates a contract between the supplier and the local government. It incurs a liability (FM Regs.5 & 11) provided that the goods or services are ultimately supplied in accordance with the requirements specified in the purchase order. Administrative procedures should establish which positions are authorised to issue purchase orders, with pre-requisite requirements for a purchase order to only be issued, where due diligence confirms:
  - Compliance with the local governments purchasing policy;
  - The committal value of the purchase order is within an appropriate and available budget allocation; and
  - The proposed goods / services / works are within the scope of implementing a Council decision, either specific or generally.
- Using a credit or transaction card (store card, fuel card or corporate credit card) – transaction cards are a method of incurring a liability, with the goods or services received and a statement provided to the local government for acquittal on at least a monthly basis. Procedures should prescribe the positions which are authorised to used transaction cards and the limits and obligations for use for their use when incurring liabilities and the requirements for acquittal of statements to enable payment.
- Verification of a liability
  - Goods / services received – a record that evidences that the goods or services have been received in accordance with the purchase order.
  - Verification of invoice – the charges align with the accepted quote or the contracted schedule of rates as relevant, which have been checked against the record of goods / services received.
  - Verification of transaction card statements – transactions accord with the card holder limits and conditions, transactions are for a proper purpose (not personal) and the goods / services obtained are within the scope of implementing a Council decision either specific or generally.

An element of the internal control is the separation of roles from employees who incur liabilities and those who make payments. This means that a person who has responsibility for incurring a liability should not also be responsible for verifying the liability or approving the relevant payment.

In addition, Council (and also through its audit committee) may form an opinion as to its satisfaction the procedures prepared in accordance with FM 11, when it undertakes its biennial review of Internal Controls in accordance with Audit Reg. 17(1)(b).

*Making payments (delegated authority)*

	<p>Financial Management Reg.12(1)(a) prescribes the ability for the Council to delegate to the CEO its power to make payments from the Municipal or the Trust Fund. Financial Management Reg.13 prescribes the procedural matters that the CEO must comply with if the power to make payments is delegated.</p> <p>A payment can only be made, where an opinion has been formed (delegated authority decision FM Reg12(1)(a)) that the goods or services specified in the purchase order have been satisfactorily received.</p> <p><i>Procedural reviews</i> Audit Regulations [r.17(1)(b)&amp; (2)] require the CEO to review procedures and report the outcomes of the review to the Audit Committee at least once in every 3 financial years.</p>
<b>Record keeping</b>	Notes: Previously delegations 1.14 and 1.24 of the City's 2018/19 register.
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
21 Mar 2024	Amended delegation	Sub-delegation extended to Executive Director Infrastructure and Environment.	Amended as part of annual review - EMC Item 5.4

<b>Delegation</b>	<b>2.2.20 Defer payment, grant discounts, waive fees or write off debts</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> 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 City [s.6.12(1)(b)].</li> <li>2. Grant a concession in relation to money owed to the City [s.6.12(1)(b)].</li> <li>3. Write off an amount of money owed to the City [s.6.12(1)(c)]</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. The power to waive fees or write off money is subject to the amount not exceeding \$5000.</li> <li>b. The power to waive fees or write off debts relating to infringements is subject to the debt not exceeding \$650.</li> <li>c. The power to waive or write off library fees is subject to the debt not exceeding \$50.</li> <li>d. This delegation is not applicable to writing off or waiving rates or service charges.</li> <li>e. A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated continued action to recover the debt will outweigh the net value of the debt if recovered by the City.</li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Branch Librarian Chief Financial Officer Executive Director Community and Business Services Executive Director Infrastructure and Environment Executive Director Strategy and Development Manager Ranger Services Senior Administration Officer – Community Safety

<p><b>Subdelegate conditions</b></p>	<p>The power to waive all fees, grant concessions or write off all debts is sub-delegated to:</p> <ul style="list-style-type: none"> <li>• Executive Director Community and Business Services</li> <li>• Chief Financial Officer</li> </ul> <p>The power to waive fees, grant concessions or write off debts relating to the Infrastructure and Environment Directorate (including infringements) Executive Director Infrastructure and Environment</p> <p>The power to waive fees or write off money is subject to the amount not exceeding \$2000.</p> <p>The power to waive fees or write off debts relating to Infringements is sub-delegated to:</p> <ul style="list-style-type: none"> <li>• Manager Ranger Services</li> <li>• Senior Administration Officer – Community Safety</li> </ul> <p>The power to waive fees or write off debts relating to infringements is subject to the debt not exceeding \$270.</p> <p>The power to waive or write-off library fees is sub-delegated to:</p> <ul style="list-style-type: none"> <li>• Branch Librarian</li> </ul> <p>The power to waive or write off library fees is subject to the debt not exceeding \$50.</p> <p>The power to waive building and planning fees is sub-delegated to:</p> <ul style="list-style-type: none"> <li>• Executive Director Strategy and Development</li> </ul> <p>The power to waive building and planning fees must be done in accordance with Appendix 20 of the Planning and Building Policy Manual – Refunding and Waiving of Planning and Building Fees.</p> <p>This delegation is not applicable to writing off or waiving rates or service charges.</p>
<p><b>Policy</b></p>	<p>Appendix 20 of the <i>Planning and Building Policy Manual – Refunding and Waiving of Planning and Building Fees</i>.</p>
<p><b>Record keeping</b></p>	<p>Notes: Previously delegation 1.15 of the City's 2018/19 register.</p>
<p><b>Date adopted</b></p>	<p>20 June 2023</p>
<p><b>Adoption references</b></p>	<p>20/06/2023 - Item 12.1</p>
<p><b>Last reviewed</b></p>	<p>21 May 2024</p>

<p><b>Amendments</b></p>			
<p><b>Date</b></p>	<p><b>Type</b></p>	<p><b>Amendment</b></p>	<p><b>References</b></p>
<p>21 Mar 2024</p>	<p>Amended delegation</p>	<p>Sub-delegation to Executive Director Infrastructure and Environment to waive fees, grant concessions or write off debts relating to the Infrastructure and Environment Directorate (including infringements).</p>	<p>Amended as part of annual review - EMC Item 5.4</p>

<b>Delegation</b>	<b>2.2.21 Amendment of a rate record</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.6.39(2)(b) Rate record
<b>Function</b>	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>	CEO
<b>Conditions</b>	Delegates must comply with the requirements of s.6.40 of the Act.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Chief Financial Officer Coordinator Rates and Receivables Executive Director Community and Business Services
<b>Subdelegate conditions</b>	Where the rate record is amended for a year prior to the current year approval of the Executive Director Community and Business Services or Chief Financial Officer is required.
<b>Statutory framework</b>	<a href="#">Local Government Act 1995 – s.6.40</a> prescribes consequential actions that may be required following a decision to amend the rate record. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	Notes: Previously delegation 1.18 of the City's 2018/19 register.
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>2.2.22 Agreement as to payment of rates and service charges</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> 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>	CEO
<b>Conditions</b>	Subject to Council Policy No. 1.2.12 – Rates and Service Charges.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Chief Financial Officer Coordinator Rates and Receivables Executive Director Community and Business Services
<b>Subdelegate conditions</b>	Subject to Council Policy No. 1.2.12 – Rates and Service Charges
<b>Policy</b>	Council Policy No. 1.2.12 – Rates and Service Charges
<b>Record keeping</b>	Notes: Previously delegation 1.16 of the City's 2018/19 register.
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>2.2.23 Determine due date for rates or service charges</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.6.50 Rates or service charges due and payable
<b>Function</b>	Authority to determine the date on which rates or service charges become due and payable to the City [s.6.50].
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Chief Financial Officer Coordinator Rates and Receivables Executive Director Community and Business Services
<b>Subdelegate conditions</b>	Nil
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>2.2.24 Recovery of rates or service charges</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.6.56 Rates or service charges recoverable in court
<b>Function</b>	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)].
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Chief Financial Officer Coordinator Rates and Receivables Executive Director Community and Business Services
<b>Subdelegate conditions</b>	Nil
<b>Record keeping</b>	Notes: Previously 1.25 in the City's 2018/19 register.
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024



<b>Delegation</b>	<b>2.2.25 Recovery of rates debts – require lessee to pay rent</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> 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 City [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>	CEO
<b>Conditions</b>	Subject to Council Policy No. 1.2.13 – Collection of Rates and Service Charges.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Chief Financial Officer Executive Director Community and Business Services
<b>Subdelegate conditions</b>	Subject to Council Policy No. 1.2.13 – Collection of Rates and Service Charges.
<b>Statutory framework</b>	<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>	Council Policy No. 1.2.13 – Collection of Rates and Service Charges.
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>2.2.26 Recovery of rates debts - actions to take possession of the land</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.6.64(1) & (3) Actions to be taken s.6.69(2) Right to pay rates, service charges and costs, and stay proceedings s.6.71 Power to transfer land to Crown or local government s.6.74 Power to have land revested in Crown if rates in arrears 3 years
<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]; or</li> <li>II. cause the land to be transferred to the City [s.6.71].</li> </ol> </li> </ol> </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> <li>3. Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, service charges and costs within 7 days of and prior to the proposed sale [s.6.69(2)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	a. In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale without having, within the previous 3-years attempted to recover the outstanding rates / charges through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Chief Financial Officer Executive Director Community and Business Services
<b>Statutory framework</b>	<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. <a href="#">Local Government (Financial Management) Regulations 1996</a> – regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation. Subject to Council Policy No. 1.2.13 – Recovery of Debts and Service Charges
<b>Policy</b>	Council Policy No. 1.2.13 – Recovery of Debts and Service Charges
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1

<b>Last reviewed</b>	21 May 2024
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<b>Delegation</b>	<b>2.2.27 Rate record – objections</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> 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>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Chief Financial Officer Executive Director Community and Business Services
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	Notes: Previously delegation 1.26 of the City's 2018/19 register.
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>2.2.28 Power to invest and manage investments</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996:</i> r.19 Investments, control procedures for
<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>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. All investment activity must comply with the Financial Management Regulation 19C, the City's Investment Policy and related procedures.</li> <li>b. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports.</li> <li>c. Procedures are to be systematically documented and retained in accordance with the Plan and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles.</li> <li>d. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit Committee at least once every 3 financial years as part of the <i>Local Government (Audit) Regulations 1996</i>, r.17 review. [Audit r.17]</li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Chief Financial Officer Executive Director Community and Business Services Financial Controller
<b>Statutory framework</b>	<a href="#"><i>Local Government (Financial Management) Regulations 1996</i></a> – refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a))
<b>Policy</b>	Council Policy 1.2.4
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>2.2.29 Dealing with objections under Part 9 of Local Government Act 1995</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> Section 9.5(2), Section 9.6(5) and 9.9(1)(b)
<b>Function</b>	The Chief Executive Officer is delegated the power to: <ul style="list-style-type: none"> <li>• receive an objection and grant an extension of time for an objection to be lodged (Section 9.5(2)).</li> <li>• give notice in writing of how it has been decided to dispose of the objection and the reasons for disposing of it in that way.</li> <li>• determine that there are reasons why the effect of a decision should not be suspended in line with the provisions of the <i>Local Government Act 1995</i> Section 9.9(1)(b).</li> </ul>
<b>Delegates</b>	CEO
<b>Conditions</b>	This delegation may not be exercised to dispose of an objection to a decision originally made by the CEO.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Record keeping</b>	Notes: Previously 1.21 in 2018/19 register of delegations.
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>2.2.30 Execution of documents</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> Section 9.49A (4) and (5)
<b>Function</b>	<ol style="list-style-type: none"> <li>1. The Chief Executive Officer is delegated authority to sign documents in relation to the administration of leases, licences, or other land agreements.</li> <li>2. The Chief Executive Officer is delegated authority to sign sponsorship or grant agreements and acquittals where the City's contribution falls within budget or is consistent with a Council resolution.</li> <li>3. The Chief Executive Officer is delegated authority to provide consent and execute documents in relation to any assignment or sublease where there is a request by a lessee operating under a lease agreement.</li> <li>4. The Chief Executive Officer is delegated authority to sign Memorandums of Understanding (MOU) if they satisfy the following conditions: <ol style="list-style-type: none"> <li>a. There is no additional financial contribution in excess of existing budgets required to give effect to the City's obligations under the MOU.</li> <li>b. Formalises an existing working relationship between the City and a government agency or department or another local government.</li> </ol> </li> <li>5. The Chief Executive Officer is delegated authority to execute, lodge, remove, withdraw, surrender or modify relating to notifications, covenants, easements and caveats under the <i>Transfer of Land Act 1893</i>.</li> <li>6. The Chief Executive Officer is delegated authority to execute easements or deeds of easement under the <i>Land Administration Act 1997</i> and/or <i>Strata Titles Act 1985</i>.</li> <li>7. Documents required to satisfy conditions of subdivision and/or development approval.</li> <li>8. The Chief Executive Officer is delegated authority to sign Finance Leases, Contracts, Service Level agreements, and any other agreement that does not require the Common Seal of the City.</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Execution of all documents must be in accordance with City's Execution of Documents Policy.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Director Community and Business Services Executive Director Infrastructure and Environment Executive Director Strategy and Development

<b>Subdelegate conditions</b>	Execution of all documents must be in accordance with City's <a href="#">Execution of Documents Policy</a> . The policy identifies document categories and details officers authorised to execute.
<b>Record keeping</b>	Notes: Previously delegation 1.22 of the City's 2018/19 register.
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024



<b>Delegation</b>	<b>2.2.31 Appointing Complaints Officer</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s5.42 Delegation of some powers and duties to the CEO.
<b>Express power or duty delegated</b>	<i>Local Government (Model Code of Conduct) Regulations 2021:</i> r11(3) Complaint about alleged breach "The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawal of complaints."
<b>Function</b>	For the CEO to appoint a Complaints Officer to receive complaints and withdrawal of complaints related to the City of Vincent Code of Conduct for Council Members, Committee Members and Candidates.
<b>Delegates</b>	CEO
<b>Conditions</b>	Any appointment under this delegation excludes a current or former City of Vincent Council Member, Committee Member, candidate, or employee. Any appointed Complaints Officer must comply with the requirements contained in the: <ul style="list-style-type: none"> <li>• Code of Conduct for Council Members, Committee Members and Candidates; and</li> <li>• Code of Conduct Behaviour Complaints Management Policy</li> </ul>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Corporate Strategy and Governance
<b>Subdelegate conditions</b>	Nil
<b>Policy</b>	Code of Conduct for Council Members, Committee Members and Candidates; and Code of Conduct Behaviour Complaints Management Policy;
<b>Record keeping</b>	Each person appointed Complaints Officer will have their name and relevant details recorded in the appropriate file
<b>Date adopted</b>	21 May 2024
<b>Adoption references</b>	Annual review undertaken by Council 21/05/2024 - Item 12.3
<b>Last reviewed</b>	21 May 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
21 May 2024	Amended delegation	Delegation amended as part of annual review	OMC 21/05/2024 - Item 12.3

<b>Delegation</b>	<b>2.2.32 Appointment of Community Directors – Leederville Gardens</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s3.18 Performing Executive Functions
<b>Function</b>	<ol style="list-style-type: none"> <li>1. To run a search and selection process for each community Director to be appointed by the City; and</li> <li>2. To appoint and/or reappoint one (or more) of the potential appointees to the Board</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Selection and appointment to be undertaken in accordance with clause 18, division 3 of the Leederville Gardens Inc. Rules of Association
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Corporate Strategy and Governance
<b>Subdelegate conditions</b>	Nil
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

## 02.3 Delegation of powers conferred by the Act on the CEO to employees

<b>Delegation</b>	<b>2.3.1 Determine if an emergency for emergency powers of entry</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> 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> s.3.34(2) Entry in emergency
<b>Function</b>	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>	Executive Director Community and Business Services Executive Director Infrastructure and Environment Executive Director Strategy and Development
<b>Express power to subdelegate</b>	Nil
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>2.3.2 Determine and manage conditions on approvals to obstruct a public thoroughfare</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> 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> r.6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)
<b>Function</b>	When determining to grant permission to obstruct a public footpath or thorough fare under Delegated Authority 2.2.10:  <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>	Executive Director Community and Business Services Executive Director Infrastructure and Environment Executive Director Strategy and Development
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 2.2.10 Obstruction of Footpaths and Thoroughfares.</li> <li>b. Actions under this Delegation must comply with the procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> </ol>
<b>Express power to subdelegate</b>	Nil
<b>Statutory framework</b>	This delegated authority is effective only in alignment with Delegated Authority 2.2.10 Obstructions of Footpaths and Thoroughfares. <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> - 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>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>2.3.3 Determine and manage conditions on permission for dangerous excavations on land adjoining public thoroughfares</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> 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> 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 to for a dangerous excavation under Delegated Authority 2.2.12: <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>	Executive Director Community and Business Services Executive Director Infrastructure and Environment Executive Director Strategy and Development
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 2.2.11 Public Thoroughfares – Dangerous Excavations.</li> <li>b. Actions under this Delegation must comply with the procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> </ol>
<b>Express power to subdelegate</b>	Nil.
<b>Statutory framework</b>	This delegated authority is effective only in alignment with Delegated Authority 2.2.11 Public Thoroughfares – Dangerous Excavations. <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>  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>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>2.3.4 Appoint persons (other than employees) to open tenders</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express power or duty delegated</b>	<i>Local Government (Functions and General) Regulations 1996:</i> r.16(3) Receiving and opening tenders, procedure for
<b>Function</b>	Authority to appoint one person (other than employees) to be present with an employee of the Local Government to open tenders, when two employees are unable to attend then tender opening [F&G r.16(3)].
<b>Delegates</b>	Chief Financial Officer Executive Director Community and Business Services
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	Nil
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>2.3.5 Electoral enrolment eligibility claims and electoral roll</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> 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> s.4.32(4), (5A) & (5) Eligibility to enrol under s.4.30, how to claim s.4.34 Accuracy of enrolment details to be maintained s.4.35 Decision that eligibility to enrol under s.4.30 has ended s.4.37 New roll for each election <i>Local Government (Elections) Regulations 1995:</i> r.11(1a) Nomination of co-owners or co-occupiers —s.4.31 r.13(2) & (4) Register - s.4.32(6)
<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>	Executive Manager Corporate Strategy and Governance
<b>Conditions</b>	a. Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7).
<b>Express power to subdelegate</b>	Nil
<b>Statutory framework</b>	<a href="#">DLGSC Returning Officer Manual</a>
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1



<b>Last reviewed</b>	21 May 2024
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<b>Delegation</b>	<b>2.3.6 Destruction of electoral papers</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> 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> 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>	Executive Manager Corporate Strategy and Governance
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	Nil
<b>Statutory framework</b>	Department of Local Government, Sport and Cultural Industries: <a href="#">Returning Officer Manual</a>
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>2.3.7 Acknowledging receipts of returns</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Local Government (Elections) Regulations 1996:</i> s.5.77 Acknowledging receipts of returns.
<b>Express power or duty delegated</b>	<i>Local Government (Elections) Regulations 1996:</i> s.5.77 Acknowledging receipts of returns.
<b>Function</b>	To provide written acknowledgement of the receipt of Primary and Annual Returns in accordance with section 5.77 of the <i>Local Government Act 1995</i> .
<b>Delegates</b>	Executive Manager Corporate Strategy and Governance
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	Nil.
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	Approved as new delegation EMC - Item 5.4
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>2.3.8 Information to be available to the public</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> 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> r.29 Information to be available for public inspection (Acts s.5.94) r.29B Copies of certain information not to be provided (Act s.5.96) <i>Local Government Act 1995:</i> s.5.95(1)(b) & (3)(b) Limits on right to inspect local government information
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine the manner and form by which a person may request copies of rates record information [s.5.94(m)] or owners and occupiers register and electoral rolls [s.5.94(s)] and to make the information available, if satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes [Admin r.29B].</li> <li>2. Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s.5.95(1)(b)].</li> <li>3. Authority to determine not to provide a right to inspect information contained in notice papers, agenda, minutes, or information tabled at a meeting, where it is considered that that part of the meeting could have been closed to members of the public but was not closed [s.5.94(3)(b)].</li> </ol>
<b>Delegates</b>	Coordinator Information Executive Manager Corporate Strategy and Governance
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	Nil
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>2.3.9 Financial management systems and procedures</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> 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> r.5 CEO's Duties as to financial management
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to establish systems and procedures which give effect to internal controls and risk mitigation for the: <ol style="list-style-type: none"> <li>i. Collection of money owed to the City;</li> <li>ii. Safe custody and security of money collected or held by the City;</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 2.2.18;</li> <li>vii. Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements. [FM r.5].</li> </ol> </li> </ol>
<b>Delegates</b>	Chief Financial Officer Executive Director Community and Business Services
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles.</li> <li>b. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit Committee at least once each financial year. [Audit r.17].</li> </ol>
<b>Express power to subdelegate</b>	Nil
<b>Statutory framework</b>	<a href="#">Local Government Act 1995</a> <a href="#">Local Government (Financial Management) Regulations 1996</a> <a href="#">Local Government (Audit) Regulations 1996</a> Department of Local Government, Sport and Cultural Industries <a href="#">Operational Guideline No.11 – Use of Corporate Credit Cards</a>
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>2.3.10 Audit – CEO review of systems and procedures</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> 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> 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 City's systems and procedures in relation to: <ul 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> </ul>
<b>Delegates</b>	Executive Director Community and Business Services Executive Manager Corporate Strategy and Governance
<b>Conditions</b>	Each matter is to be reviewed at least once in every 3 financial years, with a report on each matter to be provided to the Audit Committee that details the findings, including any identified deficiencies, and actions required.
<b>Express power to subdelegate</b>	Nil
<b>Statutory framework</b>	<a href="#"><i>Local Government (Audit) Regulations 1996</i></a>
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>2.3.11 Infringement Notices – authority to review, amend and withdraw</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> 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> s.9.13(6)(b) Onus of proof in vehicle offences may be shifted s.9.19 Extension of Time s.9.20 Withdrawal of Notice <i>All other legislation where the ability to issue a modified penalty is conferred on the City.</i>
<b>Function</b>	<ol style="list-style-type: none"> <li>1. 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. 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. 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>	Coordinator Ranger Services Executive Director Community and Business Services Executive Director Infrastructure and Environment Executive Director Strategy and Development Manager Ranger Services Senior Administration Officer – Community Safety
<b>Conditions</b>	A delegate who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this Delegation.
<b>Express power to subdelegate</b>	Nil
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>2.3.12 Represent the City in Court</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> 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> s.9.29(2)(b) Representing Local Government in Court
<b>Function</b>	1. Represent the Local Government in all respects during proceedings as though the person were the Local Government [s.9.29(2)].
<b>Delegates</b>	Coordinator Building Services Coordinator Compliance Services Coordinator Ranger Services Executive Director Community and Business Services Executive Director Infrastructure and Environment Executive Director Strategy and Development Executive Manager Communications and Engagement Executive Manager Corporate Strategy and Governance Executive Manager Human Resources Executive Manager ICT Executive Manager Urban Design and Strategic Projects Manager Beatty Park Leisure Centre Manager City Buildings & Asset Management Manager Community Safety Manager Development and Design Manager Engineering Manager Parks Manager Public Health and Built Environment Manager Ranger Services Manager Waste and Recycling Prosecutions and Strategy Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	Nil
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024



<b>Delegation</b>	<b>2.3.13 Appointment of Authorised Persons</b>
<b>Head of power</b>	02 Delegations made under the Local Government Act 1995
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> 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> s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land] s.9.10 Appointment of authorised persons
<b>Function</b>	<p>Authority to appoint persons or classes of persons as authorised persons [s.9.10(2)] for the purpose of fulfilling functions of an authorised person prescribed in the following legislation inclusive of subsidiary legislation made under each Act and Regulations:</p> <p><i>Local Government Act 1995 and its subsidiary legislation, including Local Government Act Regulations, the Local Government (Miscellaneous Provisions) Act 1960 and Local Laws made under the Local Government Act;</i>  <i>Caravan Parks and Camping Grounds Act 1995;</i>  <i>Cat Act 2011;</i>  <i>Cemeteries Act 1986;</i>  <i>Control of Vehicles (Off-road Areas) Act 1978;</i>  <i>Dog Act 1976;</i>  <i>Graffiti Vandalism Act 2016–refer s. 15; and</i>  <i>any other legislation prescribed for the purposes of s.9.10 of the Local Government Act 1995.</i></p> <p>Authority to appoint and authorise persons to exercise the powers and duties of an authorised person under the City's local laws.</p>
<b>Delegates</b>	Executive Director Community and Business Services Executive Director Infrastructure and Environment Executive Director Strategy and Development
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	Nil
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

## 02.4 Appointment of Authorised Persons under Part 9 of the Local Government Act 1995

The CEO may, in writing, appoint persons or classes of persons to be authorised persons for the purposes of 1 or more specified laws or specified provisions of 1 or more specified laws

<b>Delegation</b>	<b>2.4.1 List of Authorised Persons under the Part 9 of the Local Government Act 1995</b>
<b>Head of power</b>	02.4 Appointment of Authorised Persons under Part 9 of the Local Government Act 1995
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	Appointment of Authorised Persons in accordance with clause 9.10 of the <i>Local Government Act 1995</i> .
<b>Express power or duty delegated</b>	All powers conferred on an Authorised Person under Part 9 of the <i>Local Government Act 1995</i> .
<b>Function</b>	Authority to undertake all functions of an Authorised Person under Part 9 the <i>Local Government Act 1995</i> .
<b>Delegates</b>	<ul style="list-style-type: none"> <li>Building Surveyor</li> <li>Coordinator Building Services</li> <li>Coordinator Compliance Services</li> <li>Coordinator Environmental Health</li> <li>Coordinator Ranger Services</li> <li>Development Compliance Officer</li> <li>Environmental Health Officer</li> <li>Executive Director Community and Business Services</li> <li>Executive Director Infrastructure and Environment</li> <li>Executive Director Strategy and Development</li> <li>Executive Manager Corporate Strategy and Governance</li> <li>Manager Development and Design</li> <li>Manager Engineering</li> <li>Manager Parks</li> <li>Manager Public Health and Built Environment</li> <li>Manager Ranger Services</li> <li>Pool Inspector</li> <li>Prosecutions and Strategy Officer</li> <li>Ranger</li> <li>Senior Building Surveyor</li> <li>Senior Compliance Officer</li> <li>Senior Environmental Health Officer</li> </ul>
<b>Date adopted</b>	16 March 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>2.4.2 List of authorised persons under Local Government (Miscellaneous Provisions) Act 1960</b>
<b>Head of power</b>	02.4 Appointment of Authorised Persons under Part 9 of the Local Government Act 1995
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	Appointment of Authorised persons in accordance with clause 9.10 of the <i>Local Government Act 1995</i>
<b>Express power or duty delegated</b>	All powers conferred on an Authorised Person under section 401 of the <i>Local Government (Miscellaneous Provisions) Act 1960</i>
<b>Function</b>	Authority to issue a section 401 notice under the <i>Local Government (Miscellaneous Provisions) Act 1960</i>
<b>Delegates</b>	Coordinator Building Services Coordinator Compliance Services Development Compliance Officer Manager Development and Design Manager Public Health and Built Environment Senior Building Surveyor Senior Compliance Officer
<b>Statutory framework</b>	Note: Section 401 in the <i>Local Government (Miscellaneous Provisions) Act 1960</i> was repealed (under section 153(2) of the Building Act) when the Building Act was enacted in 2011.  In the instance, that an unauthorised structure is discovered prior to 2 April 2012 a section 401 notice is to be issued alongside a Building Order.
<b>Date adopted</b>	16 March 2023
<b>Adoption references</b>	EMC 16/03/2023 - Item 5.5
<b>Last reviewed</b>	21 May 2024

## 02.5 Appointment of Authorised Persons by Council resolution

<b>Delegation</b>	<b>2.5.1 List of Authorised Person - Master Lending Agreement with the WA Treasury Corporation</b>
<b>Head of power</b>	02.5 Appointment of Authorised Persons by Council resolution
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	Council Resolution 11.1 - 8 October 2019
<b>Function</b>	Authority to sign documents arising under the Master Lending Agreement with the WA Treasury Corporation
<b>Delegates</b>	CEO Executive Director Community and Business Services Executive Director Infrastructure and Environment Executive Director Strategy and Development
<b>Date adopted</b>	8 October 2019
<b>Adoption references</b>	Council Resolution 11.1 - 8 October 2019
<b>Last reviewed</b>	21 May 2024

## 02.6 Authorisations under the City's Procurement Framework

Issuing a requisition or purchase order are mechanisms for incurring liabilities, which the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996 require the Local Government and the CEO to control by developing "systems and procedures" [see FM Regs 5 and 11].

The Act and Regulations do not describe incurring liabilities as an express (written) power or duty to be delegated. Employees are authorised by the CEO to approve purchase orders to a set value.

<b>Delegation</b>	<b>2.6.1 Category A Authority to approve purchase orders to the value of \$250,000</b>
<b>Head of power</b>	02.6 Authorisations under the City's Procurement Framework
<b>Delegator</b>	CEO
<b>Function</b>	<p>Authority to approve purchase orders to the value of <b>\$250,000</b> (excluding GST), where due diligence confirms:</p> <ul style="list-style-type: none"> <li>• Compliance with the Purchasing Policy</li> <li>• The committal value of the Purchase Order is within an appropriate and available budget allocation.</li> <li>• The proposed goods / services are within the scope of implementing a Council decision either specific or generally.</li> </ul>
<b>Delegates</b>	<p>Executive Director Community and Business Services          Executive Director Infrastructure and Environment          Executive Director Strategy and Development</p>
<b>Conditions</b>	<p>Prior to exercising this authorisation, all officers must complete procurement training provided by the City and sign a declaration of understanding of the City's Procurement Policy.</p> <p>Values assigned are reviewed annually and managed through the City's Executive Management Team.</p>
<b>Express power to subdelegate</b>	Nil
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	EMC
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>2.6.2 Category B Authority to approve purchase orders to the value of \$100,000</b>
<b>Head of power</b>	02.6 Authorisations under the City's Procurement Framework
<b>Delegator</b>	CEO
<b>Function</b>	<p>Authority to approve purchase orders to the value of \$100,000 (excluding GST), where due diligence confirms:</p> <ul style="list-style-type: none"> <li>• Compliance with the Purchasing Policy</li> <li>• The committal value of the Purchase Order is within an appropriate and available budget allocation.</li> <li>• The proposed goods / services are within the scope of implementing a Council decision either specific or generally.</li> </ul>
<b>Delegates</b>	<p>Manager City Buildings &amp; Asset Management  Manager Community Safety  Manager Engineering  Manager Parks  Manager Ranger Services  Manager Waste and Recycling</p>
<b>Conditions</b>	<p>Prior to exercising this authorisation, all officers must complete procurement training provided by the City and sign a declaration of understanding of the City's Procurement Policy.</p> <p>Values assigned are reviewed annually and managed through the City's Executive Management Team.</p>
<b>Express power to subdelegate</b>	Nil
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	EMC
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>2.6.3 Category C Authority to approve purchase orders to the value of \$50,000</b>
<b>Head of power</b>	02.6 Authorisations under the City's Procurement Framework
<b>Delegator</b>	CEO
<b>Function</b>	<p>Authority to approve purchase orders to the value of \$50,000 (excluding GST), where due diligence confirms:</p> <ul style="list-style-type: none"> <li>• Compliance with the Purchasing Policy</li> <li>• The committal value of the Purchase Order is within an appropriate and available budget allocation.</li> <li>• The proposed goods / services are within the scope of implementing a Council decision either specific or generally.</li> </ul>
<b>Delegates</b>	<p>Coordinator City Infrastructure  Coordinator Engineering Design  Coordinator Engineering Operations  Coordinator Park Strategy and Projects  Coordinator Parks Services  Coordinator Waste Operations and Contracts  Executive Manager ICT  Principal Engineer - Traffic and Transport</p>
<b>Conditions</b>	<p>Prior to exercising this authorisation, all officers must complete procurement training provided by the City and sign a declaration of understanding of the City's Procurement Policy.</p> <p>Values assigned are reviewed annually and managed through the City's Executive Management Team.</p>
<b>Express power to subdelegate</b>	Nil
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	EMC
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>2.6.4 Category D Authority to approve purchase orders to the value of \$20,000</b>
<b>Head of power</b>	02.6 Authorisations under the City's Procurement Framework
<b>Delegator</b>	CEO
<b>Function</b>	<p>Authority to approve purchase orders to the value of \$20,000 (excluding GST), where due diligence confirms:</p> <ul style="list-style-type: none"> <li>• Compliance with the Purchasing Policy</li> <li>• The committal value of the Purchase Order is within an appropriate and available budget allocation.</li> <li>• The proposed goods / services are within the scope of implementing a Council decision either specific or generally.</li> </ul>
<b>Delegates</b>	<p>Asset Planning Lead  Chief Financial Officer  Coordinator Aquatic &amp; Operations Beatty Park Leisure Centre  Coordinator City Buildings - Operations  Coordinator ICT Operations and Innovation  Coordinator Sport &amp; Recreation  Coordinator Waste Operations and Contracts  Depot Operations Supervisor  Executive Manager Communications and Engagement  Executive Manager Corporate Strategy and Governance  Executive Manager Human Resources  Executive Manager Urban Design and Strategic Projects  Manager Development and Design  Manager Public Health and Built Environment  Project Manager - Underground Power  Special Projects Lead  Supervisor Construction/Maintenance</p>
<b>Conditions</b>	<p>Prior to exercising this authorisation, all officers must complete procurement training provided by the City and sign a declaration of understanding of the City's Procurement Policy.</p> <p>Values assigned are reviewed annually and managed through the City's Executive Management Team.</p>
<b>Express power to subdelegate</b>	Nil
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	EMC
<b>Last reviewed</b>	21 May 2024



<b>Delegation</b>	<b>2.6.5 Category E Authority to approve purchase orders to the value of \$10,000</b>
<b>Head of power</b>	02.6 Authorisations under the City's Procurement Framework
<b>Delegator</b>	CEO
<b>Function</b>	<p>Authority to approve purchase orders to the value of \$10,000 (excluding GST), where due diligence confirms:</p> <ul style="list-style-type: none"> <li>• Compliance with the Purchasing Policy</li> <li>• The committal value of the Purchase Order is within an appropriate and available budget allocation.</li> <li>• The proposed goods / services are within the scope of implementing a Council decision either specific or generally.</li> </ul>

<b>Delegates</b>	<p>Aboriginal Engagement Advisor  Branch Librarian  Business Systems Officer  Community &amp; Civic Events Officer  Community Partner  Coordinator - Customer Service Relations  Coordinator - Swim School Beatty Park Leisure Centre  Coordinator Administration Beatty Park Leisure Centre  Coordinator Building Services  Coordinator Community Development  Coordinator Compliance Services  Coordinator Environmental Health  Coordinator Health &amp; Fitness Beatty Park Leisure Centre  Coordinator HR Business Partnering  Coordinator Information  Coordinator Marketing &amp; Communications  Coordinator Place  Coordinator Planning Services  Coordinator Procurement and Contracts  Coordinator Ranger Services  Coordinator Rates and Receivables  Coordinator Strategic Planning  Development Engineer  Digital Marketing Advisor  Drainage Engineer  Executive Assistant to the CEO  Executive Assistant to the Mayor  Financial Controller  Health Promotions Project Officer  Health Safety and Wellness Advisor  Landscape Architect  Parks Technical Officer  Place Planner  Property Maintenance Officer  Property Management Officer  Senior Advisory - Underground Power  Senior Financial &amp; Project Analyst  Senior Graphic Designer  Senior Land and Legal Advisor  Senior Media and Communications Officer  Senior Projects and Strategy Officer Ranger Services  Senior Public Health Officer  Senior Shift Ranger  Senior Strategic Planning Officer  Senior Urban Planners  Specialist Planner  Specialist Strategic Projects  Specialist Sustainability Advisor  Supervisor - Waste Collection  Supervisor Waste Mgt/Street  Urban Planner  Waste and Recycling Projects Officer</p>
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	EMC
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>2.6.6 Category F Authority to approve purchase orders to the value of \$5,000</b>
<b>Head of power</b>	02.6 Authorisations under the City's Procurement Framework
<b>Delegator</b>	CEO
<b>Function</b>	<p>Authority to approve purchase orders to the value of \$5,000 (excluding GST), where due diligence confirms:</p> <ul style="list-style-type: none"> <li>• Compliance with the Purchasing Policy</li> <li>• The committal value of the Purchase Order is within an appropriate and available budget allocation.</li> <li>• The proposed goods / services are within the scope of implementing a Council decision either specific or generally.</li> </ul>
<b>Delegates</b>	<p>Administration Officer - Urban Design  Approvals Liaison Officer - Planning  Centre Supervisor Beatty Park Leisure Centre  City Buildings Maintenance Officer  Community Development Advisor  Community Engagement Advisor  Executive Assistant - Infrastructure &amp; Environment  Executive Assistant Community &amp; Business Services  Executive Assistant Strategy &amp; Development  Graduate Urban Planner  Leisure Marketing Officer  Prosecutions and Strategy Officer  Reception Supervisor Beatty Park Leisure Centre  Senior Administration Officer Ranger Services  Senior Building Surveyor  Senior Compliance Officer  Senior Environmental Health Officer  Senior ICT Officer  Senior Librarian  Strategic Planning Officer  Sustainability Officer  Team Leader Swim School  Waste Education Assistant</p>
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	EMC
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>2.6.7 Category G Authority to approve purchase orders to the value of \$2,000</b>
<b>Head of power</b>	02.6 Authorisations under the City's Procurement Framework
<b>Delegator</b>	CEO
<b>Function</b>	<p>Authority to approve purchase orders to the value of \$20,000 (excluding GST), where due diligence confirms:</p> <ul style="list-style-type: none"> <li>• Compliance with the Purchasing Policy</li> <li>• The committal value of the Purchase Order is within an appropriate and available budget allocation.</li> <li>• The proposed goods / services are within the scope of implementing a Council decision either specific or generally.</li> </ul>
<b>Delegates</b>	<p>Administrative Support Officer - Depot  Governance &amp; Council Liaison Officer  ICT Resources &amp; Systems Officer  Marketing and Communications Officer  Records Officer  Support Officer  Team Leader - Horticulture  Team Leader - Mowing  Team Leader - Reticulation</p>
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	EMC
<b>Last reviewed</b>	21 May 2024

## 03 Local Law

Guidance note: Any decision which has the effect of granting, renewing, varying or cancelling a permission or authorisation under a Local Law is a decision that is subject to Part 9, Division 1 of the Local Government Act (Act) (objection and appeal rights – see s.9.1) and can be referred to the State Administration Tribunal.

Note that imposition of a fee or charge where mentioned in a local law cannot be delegated and must be set by Council when adopting its budget under Part 6 of the Act.

### 03.1 Delegations from Council to the CEO

<b>Delegation</b>	<b>3.1.1 Authority to administer all Local Laws</b>
<b>Head of power</b>	03 Local Law
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	Sections 3.18 and 5.42 of the <i>Local Government Act 1995</i> All powers under City's local laws: <ul style="list-style-type: none"> <li>• <i>Animal Local Law</i></li> <li>• <i>Fencing Local Law</i></li> <li>• <i>Health Local Law</i></li> <li>• <i>Local Government Property Local Law</i></li> <li>• <i>Parking Local Law 2023</i></li> <li>• <i>Meeting Procedures Local Law</i></li> <li>• <i>Trading in Public Places Local Law</i></li> </ul>
<b>Function</b>	Authority to administer the City's local laws and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the City under the City's local laws, including relating to: <ul style="list-style-type: none"> <li>• Permits;</li> <li>• Enforcement framework;</li> <li>• Recovery of costs; and</li> <li>• Adding or changing parking restrictions.</li> </ul>
<b>Delegates</b>	CEO
<b>Conditions</b>	Parking permits are to be issued in accordance with the City's policy number 3.9.3
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

## 03.2 Sub-delegations from CEO to employees

<b>Delegation</b>	<b>3.2.1 Administer the City's Animal Local Law</b>
<b>Head of power</b>	03 Local Law
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	Delegation 3.1.1
<b>Express power or duty delegated</b>	All powers of the local government under City's Animal Local Law
<b>Function</b>	Authority to administer the City's Animal Local Law and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the Local Government under the City's Animal Local Law.
<b>Delegates</b>	Coordinator Environmental Health Coordinator Ranger Services Executive Director Community and Business Services Executive Director Infrastructure and Environment Executive Director Strategy and Development Manager Public Health and Built Environment Manager Ranger Services
<b>Conditions</b>	Conditions on original delegation 3.1.1 apply to this delegation
<b>Date adopted</b>	16 March 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>3.2.2 Administer the City's Fencing Local Law</b>
<b>Head of power</b>	03 Local Law
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	Delegation 3.1.1.
<b>Express power or duty delegated</b>	All powers of the local government under City's Fencing Local Law
<b>Function</b>	Authority to administer the City's Fencing Local Law and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the Local Government under the City's Fencing Local Law.
<b>Delegates</b>	Executive Director Strategy and Development Manager Development and Design Manager Public Health and Built Environment
<b>Conditions</b>	CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation 3.1.1 also apply to the sub-delegation</i>
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>3.2.3 Administer the City's Health Local Law</b>
<b>Head of power</b>	03 Local Law
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	Delegation 3.1.1
<b>Express power or duty delegated</b>	All powers of the local government under City's Health Local Law
<b>Function</b>	Authority to administer the City's Health Local Law and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the Local Government under the City's Health Local Law.
<b>Delegates</b>	Executive Director Strategy and Development Manager Public Health and Built Environment
<b>Conditions</b>	<i>Conditions on the original delegation 3.1.1 also apply to this sub-delegation</i>
<b>Date adopted</b>	16 March 2023
<b>Adoption references</b>	EMC
<b>Last reviewed</b>	21 May 2024



<b>Delegation</b>	<b>3.2.4 Administer the City's Local Government Property Local Law</b>
<b>Head of power</b>	03 Local Law
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	Delegation 3.1.1
<b>Express power or duty delegated</b>	All powers of the Local Government under the City's Local Government Property Local Law
<b>Function</b>	Authority to administer the City's Local Government Property Local Law and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the Local Government under the City's Local Government Property Local Law.
<b>Delegates</b>	Executive Director Community and Business Services Executive Director Infrastructure and Environment Executive Director Strategy and Development Executive Manager Corporate Strategy and Governance Manager City Buildings & Asset Management Manager Development and Design Manager Engineering Manager Parks Manager Public Health and Built Environment Manager Ranger Services
<b>Conditions</b>	<i>Conditions on the original delegation 3.1.1 apply to sub-delegations</i>
<b>Date adopted</b>	16 March 2023
<b>Adoption references</b>	EMC
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>3.2.5 Administer the City's Parking Local Law 2023</b>
<b>Head of power</b>	03 Local Law
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	Delegation 3.1.1
<b>Express power or duty delegated</b>	All powers of the local government under City's Parking Local Law 2023
<b>Function</b>	Authority to administer the City's Parking Local Law 2023 and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the Local Government under the City's Parking Local Law 2023.
<b>Delegates</b>	Executive Director Infrastructure and Environment
<b>Conditions</b>	Conditions on original delegation 3.1.1 apply to the sub-delegation.
<b>Policy</b>	parking-permits-policy (vincent.wa.gov.au)
<b>Date adopted</b>	16 March 2023
<b>Adoption references</b>	EMC
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>3.2.6 Administer the City's Trading in Public Places Local Law</b>
<b>Head of power</b>	03 Local Law
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	Delegation 3.1.1
<b>Express power or duty delegated</b>	All powers of the Local Government under City's Trading in Public Places Local Law
<b>Function</b>	Authority to administer the City's Trading in Public Places Local Law and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the Local Government under the City's Trading in Public Places Local Law.
<b>Delegates</b>	Executive Director Community and Business Services Executive Director Infrastructure and Environment Executive Director Strategy and Development Executive Manager Corporate Strategy and Governance Manager Development and Design Manager Public Health and Built Environment Manager Ranger Services
<b>Date adopted</b>	16 March 2023
<b>Adoption references</b>	EMC 16/03/2023 - Item 5.5
<b>Last reviewed</b>	21 May 2024

### 03.3 Appointment of Authorised Persons under the City's Local Laws

The CEO may, in writing, appoint persons or classes of persons to be Authorised Persons for the purposes of 1 or more specified laws or specified provisions of 1 or more specified laws.

<b>Delegation</b>	<b>3.3.1 Authority to issue infringement notices under the City's Local Laws</b>
<b>Head of power</b>	03.3 Appointment of Authorised Persons under the City's Local Laws
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	Appointment of authorised persons in accordance with Clause 9.10 of the <i>Local Government Act 1995</i>
<b>Express power or duty delegated</b>	Section 9.16 – Giving a notice (infringement notice)
<b>Function</b>	Authority to issue infringement notices under all Local Laws
<b>Delegates</b>	Compliance Officer Coordinator Compliance Services Coordinator Environmental Health Coordinator Ranger Services Development Compliance Officer Environmental Health Officer Executive Director Community and Business Services Executive Director Infrastructure and Environment Executive Director Strategy and Development Manager Development and Design Manager Engineering Manager Parks Manager Public Health and Built Environment Ranger Senior Compliance Officer Senior Environmental Health Officer
<b>Date adopted</b>	16 March 2023
<b>Adoption references</b>	EMC 16/03/2023 - Item 5.5
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>3.3.2 Authority to commence prosecutions under the City's Local Laws</b>
<b>Head of power</b>	03.3 Appointment of Authorised Persons under the City's Local Laws
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	Appointment of authorised persons in accordance with Clause 9.10 of the <i>Local Government Act 1995</i>
<b>Express power or duty delegated</b>	Section 9.24(1) and (2) – commencing prosecutions
<b>Function</b>	Authority to commence prosecutions under all Local Laws
<b>Delegates</b>	Executive Director Community and Business Services Executive Director Infrastructure and Environment Executive Director Strategy and Development Manager Ranger Services Prosecutions and Strategy Officer
<b>Date adopted</b>	16 March 2023
<b>Adoption references</b>	EMC 16/03/2023 - Item 5.5
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>3.3.3 Authorised persons for the purpose of the City's Animal Local Law</b>
<b>Head of power</b>	03.3 Appointment of Authorised Persons under the City's Local Laws
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	Appointment of authorised persons in accordance with Clause 9.10 of the <i>Local Government Act 1995</i>
<b>Express power or duty delegated</b>	All powers conferred on an authorised person under the City's Animal Local Law
<b>Function</b>	Authority to undertake all functions of an authorised person under the City's Animal Local Law
<b>Delegates</b>	Coordinator Environmental Health Coordinator Ranger Services Environmental Health Officer Executive Director Community and Business Services Executive Director Infrastructure and Environment Executive Director Strategy and Development Manager Public Health and Built Environment Manager Ranger Services Prosecutions and Strategy Officer Ranger Senior Environmental Health Officer
<b>Conditions</b>	The CEO must give to each person appointed under subsection (2) an identity card that — (a) on the front of the card, sets out — (i) the name and official insignia of the local government; and (ii) the name of the person; and (iii) a recent photograph of the person; and (b) on the back of the card, specifies each law to which the person's appointment relates.
<b>Statutory framework</b>	The Animal Local Law is made under the Dog Act 1976; Cat Act 2011; and Local Government Act 1995. Appointment of authorised persons in accordance with Clause 9.10 of the Local Government Act 1995
<b>Date adopted</b>	16 March 2023
<b>Adoption references</b>	EMC 16/03/2023 - Item 5.5
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>3.3.4 Authorised persons for the purpose of the City's Fencing Local Law</b>
<b>Head of power</b>	03.3 Appointment of Authorised Persons under the City's Local Laws
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	Appointment of authorised persons in accordance with Clause 9.10 of the Local Government Act 1995
<b>Express power or duty delegated</b>	All powers conferred on an authorised person under the City's Fencing Local Law
<b>Function</b>	Authority to undertake all functions of an authorised person under the City's Fencing Local Law
<b>Delegates</b>	<p>Building Surveyor  Coordinator Building Services  Coordinator Compliance Services  Development Compliance Officer  Executive Director Community and Business Services  Executive Director Infrastructure and Environment  Executive Director Strategy and Development  Manager Development and Design  Manager Public Health and Built Environment  Pool Inspector  Prosecutions and Strategy Officer  Senior Building Surveyor  Senior Compliance Officer</p>
<b>Conditions</b>	<p>The CEO must give to each person appointed under subsection(2) an identity card that —</p> <p>(a) on the front of the card, sets out —</p> <p>(i) the name and official insignia of the local government; and</p> <p>(ii) the name of the person; and</p> <p>(iii) a recent photograph of the person; and</p> <p>(b) on the back of the card, specifies each law to which the person's appointment relates.</p>
<b>Statutory framework</b>	The City's Fencing Local Law is made under the <i>Local Government Act 1995</i>
<b>Date adopted</b>	16 March 2023
<b>Adoption references</b>	EMC 16/03/2023 - Item 5.5
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>3.3.5 Authorised persons for the purpose of the City's Health Local Law</b>
<b>Head of power</b>	03.3 Appointment of Authorised Persons under the City's Local Laws
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	Appointment of authorised persons in accordance with Section 24 of the Public Health Act 2016
<b>Express power or duty delegated</b>	All powers conferred on an authorised person under the City's Health Local Law
<b>Function</b>	Authority to undertake all functions of an authorised person under the City's Health Local Law
<b>Delegates</b>	Coordinator Environmental Health Environmental Health Officer Executive Director Community and Business Services Executive Director Infrastructure and Environment Executive Director Strategy and Development Manager Public Health and Built Environment Prosecutions and Strategy Officer Senior Environmental Health Officer
<b>Statutory framework</b>	The Health Local Law is made under the Health (Miscellaneous Provisions) Act 1911. Section 24 of the Public Health Act 2016 provides that: 24. Designation of authorised officers (1) An enforcement agency may designate a person or class of persons as authorised officers (a) for the purposes of this Act or another specified Act; or (b) for the purposes of the specified provisions of this Act or another specified Act; or (c) for the purposes of the provisions of this Act or another specified Act other than the specified provisions of that Act.
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	EMC - Item 5.4
<b>Last reviewed</b>	21 May 2024



<b>Delegation</b>	<b>3.3.6 Authorised persons for the purpose of the City's Local Government Property Local Law</b>
<b>Head of power</b>	03.3 Appointment of Authorised Persons under the City's Local Laws
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	Appointment of authorised persons in accordance with Clause 9.10 of the <i>Local Government Act 1995</i>
<b>Express power or duty delegated</b>	All powers conferred on an authorised person under the City's Local Government Property Local Law
<b>Function</b>	Authority to undertake all functions of an authorised person under the City's Local Government Property Local Law
<b>Delegates</b>	<p>Coordinator Environmental Health  Coordinator Ranger Services  Environmental Health Officer  Executive Director Community and Business Services  Executive Director Infrastructure and Environment  Executive Director Strategy and Development  Executive Manager Corporate Strategy and Governance  Manager Development and Design  Manager Public Health and Built Environment  Manager Ranger Services  Pool Inspector  Prosecutions and Strategy Officer  Ranger  Senior Environmental Health Officer  Senior Public Health Officer  Senior Ranger</p>
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	Administration EMC - Item 5.4
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>3.3.7 Authorised persons for the purpose of the City's Parking Local Law 2023</b>
<b>Head of power</b>	03.3 Appointment of Authorised Persons under the City's Local Laws
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	Appointment of authorised persons in accordance with Clause 9.10 of the <i>Local Government Act 1995</i>
<b>Express power or duty delegated</b>	All powers conferred on an authorised person under the City's Parking Local Law 2023
<b>Function</b>	Authority to undertake all functions of an authorised person under the City's Parking Local Law 2023
<b>Delegates</b>	Coordinator Ranger Services Executive Director Community and Business Services Executive Director Infrastructure and Environment Executive Director Strategy and Development Manager Ranger Services Prosecutions and Strategy Officer Ranger
<b>Statutory framework</b>	The Parking Local Law 2023 is made under the <i>Local Government Act 1995</i>
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	Administration EMC - Item 5.4
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>3.3.8 Authorised persons for the purpose of the Meeting Procedures Local Law 2008</b>
<b>Head of power</b>	03.3 Appointment of Authorised Persons under the City's Local Laws
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	Appointment of authorised persons in accordance with Clause 9.10 of the Local Government Act 1995
<b>Express power or duty delegated</b>	All powers conferred on an authorised person under the City's Meeting Procedures Local Law 2008
<b>Function</b>	Authority to undertake all functions of an authorised person under the City's Meeting Procedures Local Law 2008
<b>Delegates</b>	Executive Director Community and Business Services Executive Director Infrastructure and Environment Executive Director Strategy and Development Executive Manager Corporate Strategy and Governance
<b>Statutory framework</b>	The Meeting Procedures Local Law 2008 is made under the <i>Local Government Act 1995</i>
<b>Policy</b>	<a href="#">Meeting Procedures Policy</a>
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	EMC - Item 5.4
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>3.3.9 Authorised persons for the purpose of the City's Trading in Public Places Local Law</b>
<b>Head of power</b>	03.3 Appointment of Authorised Persons under the City's Local Laws
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	Appointment of authorised persons in accordance with Clause 9.10 of the Local Government Act 1995
<b>Express power or duty delegated</b>	All powers conferred on an authorised person under the City's Trading in Public Places Local Law
<b>Function</b>	Authority to undertake all functions of an authorised person under the City's Trading in Public Places Local Law
<b>Delegates</b>	Coordinator Environmental Health Coordinator Ranger Services Environmental Health Officer Executive Director Community and Business Services Executive Director Infrastructure and Environment Executive Director Strategy and Development Executive Manager Corporate Strategy and Governance Manager Development and Design Manager Public Health and Built Environment Prosecutions and Strategy Officer Ranger Senior Environmental Health Officer
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	EMC - Item 5.4
<b>Last reviewed</b>	21 May 2024

## 04 Delegations made under the Building Act 2011

Guidance note:

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.

The Building Act 2011 refers to a 'permit authority', which is the local government in this instance.

### 04.1 Delegation from Council to CEO

<b>Delegation</b>	<b>4.1.1 Building Permits</b>
<b>Head of power</b>	04 Delegations made under the Building Act 2011
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011:</i> s.17 Uncertified application to be considered by building surveyors. s.18 Further Information s.20 Grant of building permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit  <i>Building Regulations 2012:</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect(s.32(3)) r.26 Approval of new responsible person(s.35(c))
<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 decide whether to sign a certificate of design compliance for the building or incidental structure that is the subject of the application [s.17(2) and (3)].</li> <li>3. Authority to grant or refuse to grant a building permit [s.20(1) &amp; (2) and s.22].</li> <li>4. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and(3)].</li> <li>5. 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>6. 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>	CEO
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

<b>Subdelegates</b>	Building Surveyor Coordinator Building Services Coordinator Compliance Services Executive Director Strategy and Development Manager Development and Design Manager Public Health and Built Environment Senior Building Surveyor
<b>Subdelegate conditions</b>	Building Surveyor, Senior Building Surveyor and Coordinator Building Services to be authorised in writing by the Executive Director Strategy and Development prior to exercising the authority. (Note, this may include other limitations based on the Building Surveyor's experience and demonstrated competencies in accordance with r.5 of Building Regulations 2012).  The delegation of the Executive Director Strategy and Development, Manager Public Health and Built Environment, Manager Development and Design and Coordinator Compliance Services is to the extent of processing only certified applications.
<b>Statutory framework</b>	<a href="#">Building Act 2011</a> s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit s.17 Uncertified application to be considered by building surveyor <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 <i>Building Services (Registration Act) 2011 – Section 7</i> <i>Home Building Contracts Act 1991 – Part 3A, Division 2 – Part 7, Division 2</i> <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage of Western Australia Act 1990</i>
<b>Record keeping</b>	Notes: Previously delegation 5.1 of the City's 2018/19 register.
<b>Date adopted</b>	21 May 2024
<b>Adoption references</b>	OMC 21/05/2024 - Item 12.3
<b>Last reviewed</b>	21 May 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
21 May 2024	Amended delegation	Delegation amended as part of annual review	OMC 21/05/2024 - Item 12.3

<b>Delegation</b>	<b>4.1.2 Demolition permits</b>
<b>Head of power</b>	04 Delegations made under the Building Act 2011
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011:</i> s.17 Uncertified application to be considered by building surveyor s.18 Further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit  <i>Building Regulations 2012</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect(s.32(3)) r.26 Approval of new responsible person(s.35(c))
<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>	CEO
<b>Conditions</b>	a. The Chief Executive Officer is delegated authority to grant or refuse a Demolition Permit other than for buildings classified by the National Trust and Council's Heritage Register, pursuant to the <i>Building Act 2011</i> , Sections 21, 22.
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Building Surveyor Coordinator Building Services Manager Public Health and Built Environment Senior Building Surveyor
<b>Subdelegate conditions</b>	Building Surveyor, Senior Building Surveyor and Coordinator Building Services to be authorised in writing by the Executive Director Strategy and Development prior to exercising the authority. (Note, this may include other limitations based on the Building Surveyor's experience and demonstrated competencies in accordance with r.5 of <i>BuildingRegulations 2012</i> ).

<b>Statutory framework</b>	<p><a href="#"><u>Building Act 2011</u></a>  s.119 Building and demolition permits – application for review by SAT  s.23 Time for deciding application for building or demolition permit  <i>Building Regulations 2012</i>  <i>r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT</i>  <i>Building Services (Complaint Resolution and Administration) Act 2011 -- Part 7, Division 2</i>  <i>Building and Construction Industry Training Levy Act 1990</i>  <i>Heritage of Western Australia Act 1990</i></p>
<b>Record keeping</b>	Notes: Previously delegation 5.3 of the City's 2018/19 register.
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024



<b>Delegation</b>	<b>4.1.3 Occupancy permits or building approval certificates</b>
<b>Head of power</b>	04 Delegations made under the Building Act 2011
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011:</i> s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.62(1) and (3) Conditions imposed by permit authority s.65(4) Extension of period of duration  <i>Building Regulations 2012</i> r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
<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>	CEO
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Building Surveyor Coordinator Building Services Coordinator Compliance Services Executive Director Strategy and Development Manager Development and Design Manager Public Health and Built Environment Senior Building Surveyor
<b>Subdelegate conditions</b>	<p>Building Surveyor, Senior Building Surveyor and Coordinator Building Services to be authorised in writing by the Executive Director Strategy and Development prior to exercising the authority. (Note, this may include other limitations based on the Building Surveyor's experience and demonstrated competencies in accordance with r.5 of <i>Building Regulations 2012</i>).</p> <p>The delegation to the Executive Director Strategy and Development, Manager Public Health and Built Environment, Manager Development and Design and Coordinator Compliance Services is to the extent of processing only certified applications.</p>

<b>Statutory framework</b>	<p><a href="#"><u>Building Act 2011</u></a>  s.59 time for granting occupancy permit or building approval certificate  s.60 Notice of decision not to grant occupancy permit or grant building approval certificate  s.121 Occupancy permits and building approval certificates – application for review by SAT  <i>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2</i>  <i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage of Western Australia Act 1990</i></p>
<b>Record keeping</b>	Notes: Previously delegation 5.2 of the City's 2018/19 register.
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>4.1.4 Private Swimming Pool Safety Barrier Inspections</b>
<b>Head of power</b>	04 Delegations made under the Building Act 2011
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011:</i> s.100(1) Entry powers s.101(1) Powers after entry for compliance purposes s.102 Obtaining information and documents s.110(1) A permit authority may make a building order s.109 Execution of warrant  <i>Building Regulations 2012</i> r.53 Inspection of barrier to a private swimming pool r.53A Charges may be imposed for inspection of barrier r. 69 Prescribed offences and modified penalties
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to inspect the safety barrier to a private swimming pool or spa on the days and at the intervals described in r.53(2).</li> <li>2. Authority to impose charges for the inspection of safety barrier to a private swimming pool or spa as prescribed in r.53A.</li> <li>3. Authority to execute an entry warrant for compliance purposes [s.109].</li> <li>4. Authority to make and issue a building order for compliance purposes [s.110(1)].</li> <li>5. Authority to issue and revoke infringement notices [r.69].</li> </ol>
<b>Delegates</b>	CEO
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Building Surveyor Coordinator Building Services Executive Director Strategy and Development Manager Development and Design Manager Public Health and Built Environment Pool Inspector Senior Building Surveyor
<b>Subdelegate conditions</b>	<p>Pool Inspector, Building Surveyors, Senior Building Surveyor and Coordinator Building Services to be authorised in writing by the Executive Director Strategy and Development prior to exercising the authority. (Note, this may include other limitations based on the Building Surveyor's experience and demonstrated competencies).</p> <p>The delegation to the Executive Director Strategy and Development, Manager Public Health and Built Environment, Manager Development and Design and Coordinator Compliance Services is to the extent of processing only certified applications.</p>
<b>Statutory framework</b>	<i>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2</i> <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage of Western Australia Act 1990</i>

<b>Date adopted</b>	21 May 2024
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>4.1.5 Building Orders</b>
<b>Head of power</b>	04 Delegations made under the Building Act 2011
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011:</i> s.110(1) A permit authority may make a building order s.111(1) Notice of proposed building order other than building order (emergency) s.112(2) Content of building order s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect s.118(2) and (3) Permit authority may give effect to building order if non-compliance 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 issue a building order to require a person to do one or more things within a specified time period, including stopping building or demolition work and demolishing a building or structure [s. 112(2)(a)-(h)]:</li> <li>4. Authority to revoke a building order [s.117].</li> <li>5. 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>6. 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>7. 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>	CEO
<b>Conditions</b>	Subject to Sub-Section 112(2)(b) being conditional as follows; <i>"The Order to demolish, dismantle or remove a building or incidental structure that has been, or is being, built or occupied in suspected contravention of a provision of the Building Act 2011, SHALL only be issued where the building is assessed to be in a state that is dangerous and which cannot be easily rectified"</i> .
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) CEO may delegate a power or duty to a local government employee subject to conditions.
<b>Subdelegates</b>	Coordinator Building Services Coordinator Compliance Services Executive Director Strategy and Development Manager Development and Design Manager Public Health and Built Environment

<p><b>Subdelegate conditions</b></p>	<p>The authority to give notice of a proposed Building Order other than a Building Order (emergency) pursuant to the <i>Building Act 2011</i>, Section 111 is delegated to:</p> <ul style="list-style-type: none"> <li>• Executive Director Strategy and Development</li> <li>• Manager Public Health and Built Environment</li> <li>• Manager Development and Design</li> <li>• Coordinator Compliance Services</li> <li>• Coordinator Building Services</li> </ul> <p>The authority to issue a Building Order pursuant to the <i>Building Act 2011</i>, Section 111 is delegated to:</p> <ul style="list-style-type: none"> <li>• Executive Director Strategy and Development</li> <li>• Manager Public Health and Built Environment</li> <li>• Manager Development and Design</li> <li>• Coordinator Compliance Services</li> <li>• Coordinator Building Services</li> </ul> <p>The authority to revoke Building Orders pursuant to the <i>Building Act 2011</i>, Section 117 is delegated to:</p> <ul style="list-style-type: none"> <li>• Executive Director Strategy and Development</li> <li>• Manager Public Health and Built Environment</li> <li>• Manager Development and Design</li> <li>• Coordinator Compliance Services</li> <li>• Coordinator Building Services</li> </ul> <ol style="list-style-type: none"> <li>1. Subject to Sub-Section 112(2)(b) being conditional as follows; <i>“The Order to demolish, dismantle or remove a building or incidental structure that has been, or is being, built or occupied in suspected contravention of a provision of the Building Act 2011, SHALL only be issued where the building is assessed to be in a state that is dangerous and which cannot be easily rectified”.</i></li> <li>2. Copies of all Building Orders issued are to be retained on the appropriate file or record.</li> <li>3. Submissions and subsequent considerations made in accordance with section 111(1)(c) are to be documented and retained on the appropriate file or record.</li> </ol>
<p><b>Statutory framework</b></p>	<p><a href="#"><u>Building Act 2011:</u></a>  Section 111 Notice of proposed building order other than building order (emergency)  Section 112 Content of building order  Section 113 Limitation on effect of building order  Section 114 Service of building order  Part 9 Review - s.122 Building orders –application for review by SAT</p>
<p><b>Record keeping</b></p>	<p>Notes:  Previously delegation 5.4 of the City's 2018/19 register.</p>
<p><b>Date adopted</b></p>	<p>20 June 2023</p>
<p><b>Adoption references</b></p>	<p>20/06/2023 - Item 12.1</p>
<p><b>Last reviewed</b></p>	<p>21 May 2024</p>

<b>Delegation</b>	<b>4.1.6 Inspection and copies of building records</b>
<b>Head of power</b>	04 Delegations made under the Building Act 2011
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011:</i> s.131(2) Inspection, copies of building records
<b>Function</b>	Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].
<b>Delegates</b>	CEO
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Coordinator Building Services Coordinator Compliance Services Coordinator Information Executive Director Strategy and Development Information Officer Manager Development and Design Manager Public Health and Built Environment Records Officer – Archive Searches
<b>Statutory framework</b>	<a href="#">Building Act 2011 - s.146</a> Confidentiality
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
21 Mar 2024	Amended delegation	Sub-delegation extended to Coordinator Information, Information Officer, Records Officer – Archive Searches	Amended as part of annual review - EMC Item 5.4

<b>Delegation</b>	<b>4.1.7 Referrals and issuing certificates</b>
<b>Head of power</b>	04 Delegations made under the Building Act 2011
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011:</i> 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 City's District [s.145A(2)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Coordinator Building Services Executive Director Strategy and Development Manager Development and Design Manager Public Health and Built Environment
<b>Subdelegate conditions</b>	Nil
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024



<b>Delegation</b>	<b>4.1.8 Private pool barrier – performance solutions</b>
<b>Head of power</b>	04 Delegations made under the Building Act 2011
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Regulations 2012:</i> 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 compliance 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>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Coordinator Building Services Executive Director Strategy and Development Manager Development and Design Manager Public Health and Built Environment
<b>Subdelegate conditions</b>	Nil
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>4.1.9 Smoke alarms – performance solutions</b>
<b>Head of power</b>	04 Delegations made under the Building Act 2011
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Regulations 2012:</i> r.55 Terms Used (alternative building solution approval) 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>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Coordinator Building Services Executive Director Strategy and Development Manager Development and Design Manager Public Health and Built Environment
<b>Subdelegate conditions</b>	Nil
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>4.1.10 Designate employees as Authorised Persons</b>
<b>Head of power</b>	04 Delegations made under the Building Act 2011
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011:</i> s.96(3) Authorised persons 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>
<b>Delegates</b>	CEO
<b>Conditions</b>	a. Decisions under this delegated authority should be in accordance with r.5 of the <i>Building Regulations 2012</i> .
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Executive Director Strategy and Development
<b>Statutory framework</b>	<a href="#"><i>Building Act 2011:</i></a> s.97 requires each person designated as an authorised person must have an identity card. r.5A Authorised persons (s.3) – definition
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>4.1.11 Powers of entry</b>
<b>Head of power</b>	04 Delegations made under the Building Act 2011
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011:</i> s.100(1) Entry powers s.101(1) Powers after entry for compliance purposes s.102(1) Obtaining information and documents s.103(3) Use of force and assistance s.104(2) Directions generally s.105 Obstruction of authorised persons etc s.106(1) Entry warrant to enter place s.107(1) Issue of warrant
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to enter and remain on a place at any reasonable time for compliance purposes 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</li> </ol> </li> <li>2. Authority to conduct an inspection of a building or incidental structure including private swimming pool safety barrier [s.101(e)];</li> <li>3. Authority to inspect the place and any thing at the place [s.101(1)(a)];</li> <li>4. Authority to examine, measure, test, photograph or film the place and any thing at the place [s.101(1)(c)];</li> <li>5. Authority to take any thing, or a sample of or from any thing, at the place for analysis or testing [s.101(1)(e)];</li> <li>6. Authority to direct a person to give such information as the authorised person requires, or to answer a question put to the person, in relation to any matter the subject of the compliance purposes [s.102(1)(a)];</li> <li>7. Authority to direct a person to produce a relevant record in the person's custody or under the person's control [s.102(1)(b)];</li> <li>8. Authority to examine and make a copy of a relevant record produced in response to a direction under paragraph (b) [s.102(1)(c)];</li> <li>9. Authority to direct a person to produce a relevant record in the person's custody or under the person's control [s.102(1)(b)];</li> <li>10. Authority to request a police officer or other person to assist the authorised person in exercising powers under this Act [s.103(3)];</li> <li>11. Authority to apply to a JP for an entry warrant authorising the entry of a place for a compliance purpose [s.106(1)];</li> <li>12. Authority to execute a warrant by the authorised person to whom it is issued or any other authorised person [s.109(1)];</li> </ol>

<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) CEO may delegate a power or duty to a local government employee subject to conditions.
<b>Subdelegates</b>	Building Surveyor Compliance Officer Coordinator Building Services Coordinator Compliance Services Executive Director Strategy and Development Manager Development and Design Manager Public Health and Built Environment Pool Inspector Senior Building Surveyor Senior Compliance Officer
<b>Statutory framework</b>	<i>Building Act 2011</i> - s.146 Confidentiality
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>4.1.12 Prosecutions</b>
<b>Head of power</b>	04 Delegations made under the Building Act 2011
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011:</i> s.133(1) A permit authority may commence a prosecution for an offence against this Act
<b>Function</b>	1. Authority to commence a prosecution for an offence against the <i>Building Act 2011</i> [s.133(1)(b)].
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) – CEO may delegate this power subject to any conditions imposed on the delegation to the CEO.
<b>Subdelegates</b>	Executive Director Strategy and Development
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>4.1.13 Issue of Building Infringement Notices</b>
<b>Head of power</b>	04 Delegations made under the Building Act 2011
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	Regulations 70(1), 70(2) and 70(3) of the <i>Building Regulations 2012</i>
<b>Function</b>	<ol style="list-style-type: none"> <li>1. The power to appoint an "authorised officer" who is to have by virtue of that appointment, the power under the <i>Criminal Procedure Act 2004</i> Part 2, to issue infringement notices, for offences specified under <i>Building Regulations 2012</i> Schedule 6.</li> <li>2. The power to appoint an "approved officer" who is to have by virtue of that appointment, the powers under the <i>Criminal Procedure Act 2004</i> Part 2, to extend and withdraw infringement notices, for offences specified under <i>Building Regulations 2012</i> Schedule 6.</li> <li>3. Revoke an appointment under (1) or (2) at any time.</li> <li>4. Give an identity card to an authorised person under (1).</li> </ol> <p>Note: The CEO may appoint officers pursuant to the provisions identified, who then have the powers referred to, by virtue of <i>Building Regulations 2012</i>, Regulations 70(2) or 70(1) as applicable.</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. A person appointed under (1) or (2) must be an employee of the City.</li> <li>b. A person cannot be appointed under (1) unless the person has already been authorised for the purpose of performing functions under Section 9.16 of the <i>Local Government Act 1995</i>.</li> <li>c. A person cannot be appointed under (1) if the person holds an appointment under (2).</li> <li>d. A person cannot be appointed under (2) unless the person has already been authorised for the purpose of performing functions under Section 9.19 and/or 9.20 of the <i>Local Government Act 1995</i>.</li> <li>e. A person cannot be appointed under (2) if the person holds an appointment under (1).</li> <li>f. Records of all appointments made under delegation to be kept on appropriate file or register. Statutory Power to Delegate: <i>Building Act 2011</i>, Section 127(6A).</li> </ol>
<b>Express power to subdelegate</b>	<i>Building Act 2011</i> Section 127 (6A) - CEO may delegate any of the CEO's powers and duties to other employees, other than power of delegation, subject to any conditions, qualifications, limitations or exceptions imposed on the delegation.

<b>Subdelegates</b>	Building Surveyor Compliance Officer Coordinator Building Services Coordinator Compliance Services Executive Director Strategy and Development Manager Public Health and Built Environment Pool Inspector Senior Building Surveyor Senior Compliance Officer
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024



## 04.2 Appointment of Authorised Persons under Building Act 2011

Sections 95 – 99 of the Building Act 2011 set out appointment of Authorised Persons; sections 100 – 109 (amongst others set out the powers of Authorised Persons under the Act

<b>Delegation</b>	<b>4.2.1 List of Authorised Persons under the Building Act 2011</b>
<b>Category</b>	Authorisations
<b>Head of power</b>	04.2 Appointment of Authorised Persons under Building Act 2011
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	Section 96(3) of the Building Act 2011
<b>Express power or duty delegated</b>	Powers of an authorised person under the <i>Building Act 2011</i> and regulation 70(2) of the <i>Building Regulations 2012</i> for the purpose of issuing infringement notices under the Criminal Procedure Act 2004 Part 2
<b>Function</b>	Issuing infringement notices under the Criminal Procedure Act 2004 Part 2
<b>Delegates</b>	Building Surveyor Coordinator Building Services Coordinator Compliance Services Development Compliance Officer Manager Development and Design Manager Public Health and Built Environment Pool Inspector Senior Building Surveyor Senior Compliance Officer
<b>Conditions</b>	An authorised person must exercise a power in accordance with Sections 95 – 99 of the Building Act 2011
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

## 05 Delegations made under the Fines, Penalties, and Infringement Notices Enforcement Act 1984

### 05.1 Delegation from Council to CEO

<b>Delegation</b>	<b>5.1.1 Designate employees as Authorised Persons</b>
<b>Head of power</b>	05 Delegations made under the Fines, Penalties, and Infringement Notices Enforcement Act 1984
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>
<b>Express power or duty delegated</b>	Section 13(2) of the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>
<b>Function</b>	Appointment of officers as Prosecuting Officers for the purposes of the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i> , Section 13(2).
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Record keeping</b>	Notes: This is not in the WALGA model, but previously 2.2 in the City's 2018/19 register, and was a list of persons authorised as designated persons under the FER Act. This delegation is to the CEO to appoint those persons on the City's behalf.
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

## 05.2 Appointment of Authorised Persons under the Fines, Penalties and Infringement Notices Enforcement Act 1994

Section 13 of the Fines, Penalties and Infringement Notices Enforcement Act 1994 provides that:

13. Approved prosecuting authorities and officers

(1) For the purposes of this Part, the Registrar may approve a prosecuting authority as a prosecuting authority to which this Part applies.

(2) The Registrar is not to approve a prosecuting authority unless the authority gives the Registrar written notice of those officers of the authority that are designated as prosecuting officers for the purposes

<b>Delegation</b>	<b>5.2.1 List of Authorised Persons under the Fines, Penalties and Infringement Notices Enforcement Act 1994</b>
<b>Head of power</b>	05.2 Appointment of Authorised Persons under the Fines, Penalties and Infringement Notices Enforcement Act 1994
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	Section 13 of the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>
<b>Express power or duty delegated</b>	Sections 16 and 22 of the <i>Fines, Penalties and Infringement Notices and Enforcement Act 1994</i>
<b>Function</b>	Authority to undertake all functions of a prosecuting officer for the purposes of and in accordance with sections 16 and 22 of the <i>Fines, Penalties and Infringement Notices and Enforcement Act 1994</i> .
<b>Delegates</b>	Coordinator Building Services Coordinator Compliance Services Coordinator Environmental Health Coordinator Ranger Services Executive Director Community and Business Services Executive Director Infrastructure and Environment Executive Director Strategy and Development Manager Development and Design Manager Public Health and Built Environment Manager Ranger Services Prosecutions and Strategy Officer Senior Administration Officer – Community Safety Senior Projects and Strategy Officer Ranger Services
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	EMC - Item 5.4
<b>Last reviewed</b>	21 May 2024

## 06 Delegations made under the Strata Titles Act 1985

## 06.1 Delegation from Council to CEO

<b>Delegation</b>	<b>6.1.1 Issue of approval for built strata subdivision under section 25 – Forms 24 and 26</b>
<b>Head of power</b>	06 Delegations made under the Strata Titles Act 1985
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Strata Titles Act 1985</i> Section 25 Certificate of Commission
<b>Function</b>	Power to issue a Form 15A and Form 15C (certificate of approval) pursuant to section 25 of the <i>Strata Titles Act 1985</i> , for a plan of subdivision, re-subdivision or consolidation, except those applications that: <ul style="list-style-type: none"> <li>a. propose the creation of a vacant lot;</li> <li>b. proposed vacant air strata's in multi-tiered strata scheme developments;</li> <li>c. 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, relating to: <ul style="list-style-type: none"> <li>i. a type of development; and/or</li> <li>ii. land within an area, which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.</li> </ul> </li> </ul>
<b>Delegates</b>	CEO
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Coordinator Planning Services Executive Director Strategy and Development Manager Development and Design Specialist Planner
<b>Subdelegate conditions</b>	The City will provide the WAPC with a list of all applications determined under this delegation at the conclusion of each financial year, as required by the Instrument of Delegation reporting requirements.
<b>Statutory framework</b>	<a href="#">Instrument of Delegation Del 2009/03</a> Powers of Local Governments, dated 9 June 2009 - Delegation to local governments of certain powers and functions of the WAPC relating to the issuing of certificates of approval under section 25 of the <a href="#">Strata Titles Act 1985</a>
<b>Record keeping</b>	Notes: Previously delegation 5.6 of the City's 2018/19 register.
<b>Date adopted</b>	20 June 2023

<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

## 07 Delegations made under the Bush Fires Act 1954

## 07.1 Council to CEO

<b>Delegation</b>	<b>7.1.1 Bush Fires Act 1954 – powers and duties</b>
<b>Head of power</b>	07 Delegations made under the Bush Fires Act 1954
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Bush Fires Act 1954:</i> S48 Delegation by local governments
<b>Express power or duty delegated</b>	All powers, duties and functions under the <i>Bush Fires Act 1954</i> .
<b>Function</b>	The Chief Executive Officer is delegated the power to perform all powers, duties and functions of a Local Government under the <i>Bush Fires Act 1954</i> , including the appointment of a Bush Fire Control Officers and all authorised persons under the Act and Regulations.
<b>Delegates</b>	CEO
<b>Conditions</b>	Decisions under s17(7) (variation of prohibited burned times) must be undertake jointly by both the Mayor and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8). Excludes powers and duties that are prescribed in the Act with the requirement for a resolution by the local government.
<b>Express power to subdelegate</b>	Nil – sub delegation is prohibited under s48(3) of the <i>Bush Fires Act 1954</i> .
<b>Record keeping</b>	Notes: Previously delegation 3.3 of the City's 2018/19 register.
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

## 07.2 Council to other officers

<b>Delegation</b>	<b>7.2.1 Bush Fires Act 1954 – powers and duties</b>
<b>Head of power</b>	07 Delegations made under the Bush Fires Act 1954
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	Bush Fires Act 1954: S59A(3) - Prosecution for offences under the Act
<b>Express power or duty delegated</b>	S59A - Prosecution for offences under the Act
<b>Function</b>	The Chief Executive Officer and Manager Ranger Services are delegated the power to undertake prosecutions for offences under the <i>Bush Fires Act 1954</i> .
<b>Delegates</b>	Coordinator Ranger Services Manager Ranger Services Ranger Senior Ranger
<b>Conditions</b>	The power to issue infringement notices, pursuant to Section 59A under the <i>Bush Fires Act 1954</i> is delegated to: <ul style="list-style-type: none"> <li>• Manager Ranger Services</li> <li>• Coordinator Ranger Services</li> <li>• All Rangers</li> </ul> <p>Note: s59A(3) and <i>Bush Fires (Infringements) Regulations 1978</i>, Reg.4(a) provide that only the Mayor or the Chief Executive Officer may withdraw an infringement notice.</p>
<b>Express power to subdelegate</b>	Section 48(3) of the <i>Bush Fires Act 1954</i> prohibits sub-delegation.
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

### 07.3 Appointment of Authorised Persons under the Bush Fires Act 1954

Note that Council has delegated authority to the CEO to appoint Authorised Persons under the Bush Fires Act 1954 (see delegation 7.1).

<b>Delegation</b>	<b>7.3.1 List of authorised persons under the Bush Fires Act 1954</b>
<b>Head of power</b>	07.3 Appointment of Authorised Persons under the Bush Fires Act 1954
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	Delegation 7.1 - The Chief Executive Officer is delegated the power to perform all powers, duties and functions of a Local Government under the <i>Bush Fires Act 1954</i> , including the appointment of a Bush Fire Control Officers and all authorised persons under the Act and Regulations.
<b>Express power or duty delegated</b>	All powers conferred on an authorised person under the <i>Bush Fires Act 1954</i>
<b>Function</b>	Authority to undertake all functions of an authorised person under the <i>Bush Fires Act 1954</i>
<b>Delegates</b>	Coordinator Ranger Services Manager Ranger Services Ranger
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	EMC - Item 5.4
<b>Last reviewed</b>	21 May 2024



## 08 Delegations made under the Cat Act 2011

## 08.1 Delegation from Council to CEO

<b>Delegation</b>	<b>8.1.1 Cat registrations</b>
<b>Head of power</b>	08 Delegations made under the Cat Act 2011
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express power or duty delegated</b>	<i>Cat Act 2011:</i> s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags <i>Cat Regulations 2012</i> Schedule 3, cl.1(4) Fees Payable
<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 City's District [Regs. Sch. 3 cl.1(4)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i> .
<b>Express power to subdelegate</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Subdelegates</b>	Coordinator Ranger Services Manager Ranger Services Ranger Senior Ranger

<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>	<p>Notes:</p> <p>Previously delegation 3.1 of the City's 2018/19 register</p>
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>8.1.2 Cat control notices</b>
<b>Head of power</b>	08 Delegations made under the Cat Act 2011
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express power or duty delegated</b>	<i>Cat Act 2011:</i> 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 City's District [s.26].
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Subdelegates</b>	Coordinator Ranger Services Manager Ranger Services Ranger Senior Ranger
<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>	Notes: Previously delegation 3.1 of the City's 2018/19 register.
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>8.1.3 Approval to breed cats</b>
<b>Head of power</b>	08 Delegations made under the Cat Act 2011
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express power or duty delegated</b>	<i>Cat Act 2011:</i> s.37 Approval to Breed Cats s.38 Cancellation of approval to breed cats s.39 Certificate to be given to approved cat breeder
<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>	CEO
<b>Conditions</b>	Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i> .
<b>Express power to subdelegate</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Subdelegates</b>	Coordinator Ranger Services Manager Ranger Services Ranger Senior Ranger
<b>Statutory framework</b>	<i>Cat Regulations 2012:</i> r.21 Application for approval to breed cats (s.36(2)) r.22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f)) r.23 Person who not be refused approval to breed cats(s.37(5)) r.24 Duration of approval to breed cats (s.37(6)) r.25 Certificate given to approved cat breeder(s.39(1))
<b>Record keeping</b>	Notes: Previously delegation 3.1 of the City's 2018/19 register
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>8.1.4 Recovery of costs – destruction of cats</b>
<b>Head of power</b>	08 Delegations made under the Cat Act 2011
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express power or duty delegated</b>	<i>Cat Act 2011:</i> 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>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Subdelegates</b>	Coordinator Ranger Services Manager Ranger Services
<b>Record keeping</b>	Notes: Previously delegation 3.1 of the City's 2018/19 register
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>8.1.5 Applications to keep additional cats</b>
<b>Head of power</b>	08 Delegations made under the Cat Act 2011
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express power or duty delegated</b>	<i>Cat (Uniform Local Provisions) Regulations 2013:</i> r.8 Application to keep additional number of cats r.9 Grant of approval to keep additional number of cats
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to require any document or additional information required to determine an application [r.8(3)]</li> <li>2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)].</li> <li>3. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	a. Notices of decisions must include advice as to Review rights in accordance with r.11 of the <i>Cat (Uniform Local Provisions) Regulations 2013</i> .
<b>Express power to subdelegate</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Subdelegates</b>	Coordinator Ranger Services Manager Ranger Services Ranger Senior Ranger
<b>Record keeping</b>	Notes: Previously delegation 3.1 of the City's 2018/19 register
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>8.1.6 Reduce or waive cat registration fee</b>
<b>Head of power</b>	08 Delegations made under the Cat Act 2011
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express power or duty delegated</b>	<i>Cat Regulations 2012:</i> 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>	CEO
<b>Conditions</b>	a. This delegation does NOT provide authority to determine to reduce or waiver the fees payable in regard to any class of cat 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>Express power to subdelegate</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Subdelegates</b>	Coordinator Ranger Services Manager Ranger Services
<b>Record keeping</b>	Notes: Previously delegation 3.1 of the City's 2018/19 register
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

## 08.2 Delegations direct from CEO to other employees under the Cat Act 2011

<b>Delegation</b>	<b>8.2.1 Infringement notices – extensions and withdrawals</b>
<b>Head of power</b>	08 Delegations made under the Cat Act 2011
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Express power or duty delegated</b>	<i>Cat Act 2011:</i> s.64 Extension of time 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>	Manager Ranger Services Senior Administration Officer – Community Safety
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	Nil
<b>Statutory framework</b>	<i>Cat Regulations 2012:</i> r.28 Withdrawal of infringement notice (s.65(1))
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024



### 08.3 Appointment of authorised persons under the Cat Act 2011

Authority to appoint persons or classes of persons as Authorised Persons in accordance with the s9.10 of the Local Government Act 1995 for the purpose of fulfilling functions of an Authorised Person prescribed in the Cat Act 2011

<b>Delegation</b>	<b>8.3.1 List of authorised persons under the Cat Act 2011</b>
<b>Head of power</b>	08.3 Appointment of authorised persons under the Cat Act 2011
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	Appointment of authorised persons in accordance with Clause 9.10 of the <i>Local Government Act 1995</i>
<b>Express power or duty delegated</b>	All powers conferred on an authorised person under the <i>Cat Act 2011</i>
<b>Function</b>	Authority to undertake all functions of an authorised person under the <i>Cat Act 2011</i>
<b>Delegates</b>	Coordinator Ranger Services Manager Ranger Services Ranger
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	EMC
<b>Last reviewed</b>	21 May 2024

## 09 Delegations made under the Dog Act 1976

## 09.1 Delegation from Council to CEO

<b>Delegation</b>	<b>9.1.1 Refuse or cancel registration of a dog</b>
<b>Head of power</b>	09 Delegations made under the Dog Act 1976
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> s.15(2) and (4A) Registration periods and fees s.16(3) Registration procedure s.17A(2) If no application for registration made s.17(4) and (6) Refusal or cancellation of registration
<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 <i>Cat Act 2011</i> or the <i>Animal Welfare Act 2002</i>; 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 City'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)]. <ol style="list-style-type: none"> <li>i. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had be found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]</li> </ol> </li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
<b>Express power to subdelegate</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Subdelegates</b>	Manager Ranger Services

<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	<i>Dog Act 1976</i> s.17A If no application for registration made – procedure for giving notice of decision under s.16(3) Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and(6)
<b>Record keeping</b>	Notes: Previously delegation 3.5B (part) of the City's 2018/19 register.
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>9.1.2 Recovery of moneys due under the Dog Act 1976</b>
<b>Head of power</b>	09 Delegations made under the Dog Act 1976
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> s.29(5) Power to seize dogs
<b>Function</b>	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>	CEO
<b>Conditions</b>	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation
<b>Express power to subdelegate</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties
<b>Subdelegates</b>	Manager Ranger Services Senior Administration Officer – Community Safety
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	Includes recovery of expenses relevant to: s.30A(3) Operator of dog management facility may have dog microchipped at owner's expense s.33M Local government expenses to be recoverable. s.47 Veterinary service expenses recoverable from local government r.31 Local government expenses as to dangerous dogs (declared)
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>9.1.3 Dispose of or sell dogs liable to be destroyed</b>
<b>Head of power</b>	09 Delegations made under the Dog Act 1976
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	Dog Act 1976: s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> s.29(11) Power to seize dogs
<b>Function</b>	Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].
<b>Delegates</b>	CEO
<b>Conditions</b>	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
<b>Express power to subdelegate</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Subdelegates</b>	Manager Ranger Services
<b>Subdelegate conditions</b>	Nil
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>9.1.4 Declare dangerous dog</b>
<b>Head of power</b>	09 Delegations made under the Dog Act 1976
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> s.33E(1) Individual dog may be declared to be dangerous dog (declared)
<b>Function</b>	Authority to declare an individual dog to be a dangerous dog [s.33E(1)].
<b>Delegates</b>	CEO
<b>Conditions</b>	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
<b>Express power to subdelegate</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Subdelegates</b>	Manager Ranger Services
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	<i>Guidance note</i> <i>Section 33E also provides that this power may be exercised by an Authorised Person. If the Local Government has appointed an Authorised Person for this purpose (specified in the Certificate of Authorisation for the purposes of s.33E), then this Delegation is not required.</i>
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>9.1.5 Dangerous dog declared or seized – deal with objections and determine when to revoke</b>
<b>Head of power</b>	09 Delegations made under the Dog Act 1976
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> s.33F(6) Owners to be notified of making of declaration s.33G(4) Seizure and destruction s.33H(1), (2) and (5) Local government may revoke declaration or proposal to destroy
<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>	CEO
<b>Conditions</b>	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
<b>Express power to subdelegate</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties
<b>Subdelegates</b>	Executive Director Community and Business Services Executive Director Infrastructure and Environment
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal  Note that this delegation must be exercised by someone other than a person authorised to exercise s.33E powers enabling the declaration of a dangerous dog.
<b>Record keeping</b>	<i>Guidance note</i> <i>Delegation of the s.33F power to deal with an objection to a dangerous dog declaration should not be delegated to the same person / position who is delegated / authorised to exercise s.33E powers enabling the declaration of a dangerous dog.</i>
<b>Date adopted</b>	20 June 2023

<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024



<b>Delegation</b>	<b>9.1.6 Deal with objection to notice to revoke dangerous dog declaration or destruction notice</b>
<b>Head of power</b>	09 Delegations made under the Dog Act 1976
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> s.33H(5) Local government may revoke declaration or proposal to destroy
<b>Function</b>	Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]:  a. a notice declaring a dog to be dangerous; or b. a notice proposing to cause a dog to be destroyed.
<b>Delegates</b>	CEO
<b>Conditions</b>	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
<b>Express power to subdelegate</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	<i>Guidance note</i> <i>Delegation of the s33H(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).</i>
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>9.1.7 Determine recoverable expenses for dangerous dog declaration</b>
<b>Head of power</b>	09 Delegations made under the Dog Act 1976
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> s.33M(1)(a) Local Government expenses to be recoverable
<b>Function</b>	Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to any maximum amount prescribed, having regard to the expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s.33H(5)].
<b>Delegates</b>	CEO
<b>Conditions</b>	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
<b>Express power to subdelegate</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Subdelegates</b>	Manager Ranger Services
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	<i>Guidance note</i> <i>This delegation does not include s33M(1)(b) as the setting of a fixed fee must be Council resolution in accordance with s.6.16 of the Local Government Act 1995.</i>
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>9.1.8 Appointment of Registration Officers</b>
<b>Head of power</b>	09 Delegations made under the Dog Act 1976
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> s.11(1) Staff and Services
<b>Function</b>	Authority to appoint Registration Officers to exercise the powers and duties conferred on a Registration Officer by this Act [s.3]
<b>Delegates</b>	CEO
<b>Conditions</b>	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
<b>Express power to subdelegate</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Subdelegates</b>	Manager Ranger Services
<b>Subdelegate conditions</b>	Nil
<b>Record keeping</b>	Notes: Previously delegation 3.5A (delegations from CEO to employees) of the City's 2018/19 register.
<b>Date adopted</b>	21 May 2024
<b>Adoption references</b>	21/05/2024 - Item 12.3
<b>Last reviewed</b>	21 May 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
21 May 2024	Amended delegation	Delegation amended as part of annual review	OMC 21/05/2024 - Item 12.3

## 09.2 Appointment of Authroised Persons under the Dog Act 1976

Authority to appoint persons or classes of persons as Authorised Persons in accordance with the s9.10 of the Local Government Act 1995 for the purpose of fulfilling functions of an Authorised Person prescribed in the Dog Act 1976

<b>Delegation</b>	<b>9.2.1 List of authorised persons under the Dog Act 1976</b>
<b>Head of power</b>	09.2 Appointment of Authroised Persons under the Dog Act 1976
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	Appointment of authorised persons in accordance with Clause 9.10 of the <i>Local Government Act 1995</i>
<b>Express power or duty delegated</b>	All powers conferred on an authorised person under the <i>Dog Act 1976</i>
<b>Function</b>	Authority to undertake all functions of an authorised person under the <i>Dog Act 1976</i>
<b>Delegates</b>	Executive Director Community and Business Services Executive Director Infrastructure and Environment Executive Director Strategy and Development Manager Ranger Services
<b>Subdelegates</b>	Coordinator Ranger Services Ranger
<b>Subdelegate conditions</b>	Subdelegate conditions restrict powers of an authorised persons to sections 12A, 29, 33G, 38, 39, 43A, 47 of the <i>Dog Act 1976</i> and Regulation 35(1) of the <i>Dog Regulations 2013</i>
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	EMC - Item 5.4
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>9.2.2 Appointment of registration officers under the Dog Act 1976</b>
<b>Head of power</b>	09.2 Appointment of Authroised Persons under the Dog Act 1976
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	Appointment of authorised persons in accordance with Clause9.10 of the <i>Local Government Act 1995</i>
<b>Express power or duty delegated</b>	All powers conferred on a registration officer underthe <i>Dog Act 1976</i>
<b>Function</b>	Authority to undertake all functions of a registration officer under the <i>Dog Act 1976</i>
<b>Delegates</b>	Coordinator Ranger Services Customer Service Officer Manager Ranger Services Ranger
<b>Conditions</b>	Section 16(6) of the Dog Act 1976 provides that:  <i>(6) On effecting or renewing any registration, the registration officer shall deliver to the applicant —</i>  <i>(a) a certificate in the prescribed form acknowledging the fee paid and specifying the registration number allocated to each dog, the term of the relevant registration period, and a description of each dog so registered; and</i> <i>(b) in respect of each dog so registered, a registration tag of the prescribed kind.</i>
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	EMC - Item 5.4
<b>Last reviewed</b>	21 May 2024

## 10 Delegations made under the Tobacco Products Control Act 2006

## 10.1 Delegation from Council to CEO

<b>Delegation</b>	<b>10.1.1 Appointment of Authorised Persons and Restricted Investigators</b>
<b>Head of power</b>	10 Delegations made under the Tobacco Products Control Act 2006
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO <i>s 21 Public Health Act 2016:</i>
<b>Express power or duty delegated</b>	<i>Tobacco Products Control Act 2006</i> s.77 Power to appoint restricted investigators <i>Public Health Act 2016</i> s.24 Power to appoint Authorised Officers under the <i>Public Health Act 2016</i> to act as Authorised Officers under the <i>Tobacco Products Control Act 2006</i> by virtue of clause 1 of the <i>Glossary of the Tobacco Products Control Act 2006</i> .
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to appoint persons as restricted investigators under s77 of the <i>Tobacco Products Control Act 2006</i></li> <li>2. Authority to appoint Authorised Officers for the purposes of the <i>Tobacco Products Control Act 2006</i> by appointing Authorised Officers under section 24 of the <i>Public Health Act 2016</i></li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	The Chief Executive Officer may further delegate (sub delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
<b>Express power to subdelegate</b>	<i>s.5.44 Local Government Act 1995</i> <i>s.21(4) Public Health Act 2016</i>
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

## 10.2 Appointment of Restricted Investigators under the Tobacco Products Control Act 2006

Sections 77 and 78 of the Tobacco Products Control Act 2006 provide that a local government may appoint a person as a Restricted Investigator

<b>Delegation</b>	<b>10.2.1 List of Restricted Investigators under the Tobacco Products Control Act 2006</b>
<b>Head of power</b>	10.2 Appointment of Restricted Investigators under the Tobacco Products Control Act 2006
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	Delegation 10.1 - The Chief Executive Officer is delegated authority to appoint persons as restricted investigators under s77 of the <i>Tobacco Products Control Act 2006</i>
<b>Express power or duty delegated</b>	All powers conferred on a restricted investigators under the <i>Tobacco Products Control Act 2006</i>
<b>Function</b>	Authority to undertake all functions of a restricted investigators in accordance with section 78 of the <i>Tobacco Products Control Act 2006</i>
<b>Delegates</b>	Coordinator Ranger Services Manager Ranger Services Ranger
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	EMC - Item 5.4
<b>Last reviewed</b>	21 May 2024

## 10.3 Appointment of Authorised Persons for the purposes of the Tobacco Products Control Act 2006

Authorised Officers pursuant to section 24(1) of the Public Health Act 2016 for the purpose of the Tobacco Products Control Act 2006

<b>Delegation</b>	<b>10.3.1 List of Authorised Persons for the purposes of the Tobacco Products Control Act 2006</b>
<b>Head of power</b>	10.3 Appointment of Authorised Persons for the purposes of the Tobacco Products Control Act 2006
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	Delegation 10.1 - The Chief Executive Officer is delegated authority to appoint authorised Persons for the purposes of the <i>Tobacco Products Control Act 2006</i>
<b>Express power or duty delegated</b>	All powers conferred on an authorised person under the <i>Tobacco Products Control Act 2006</i>
<b>Function</b>	Authority to undertake all functions of an authorised person in accordance with section 78 of the <i>Tobacco Products Control Act 2006</i>
<b>Delegates</b>	Coordinator Ranger Services Manager Ranger Services Ranger
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	EMC - Item 5.4
<b>Last reviewed</b>	21 May 2024



## 11 Delegations made under the Food Act 2008

Guidance note: References to 'CEO' in the Food Act 2008 mean the CEO of the Department of Health. There are no powers or duties assigned to the CEO of a local government in this Act. There is also no power of sub-delegation available. As such it is important for each delegation under this Act to be made direct to delegates who are most suitable for fulfilling the power or duty.

### 11.1 Food Act

<b>Delegation</b>	<b>11.1.1 Determine Compensation</b>
<b>Head of power</b>	11 Delegations made under the Food Act 2008
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express power or duty delegated</b>	<i>Food Act 2008:</i> s.56(2) Compensation to be paid in certain circumstances 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>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</li> <li>b. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$5,000. Compensation requests above this value are to be reported to Council.</li> </ol>
<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 under s35(5) of the Act
<b>Record keeping</b>	Notes: Previously delegations 4.1,4.1A, 4.1B and 4.1C of the City's 2018/19 register.
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>11.1.2 Prohibition orders</b>
<b>Head of power</b>	11 Delegations made under the Food Act 2008
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express power or duty delegated</b>	<i>Food Act 2008:</i> s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
<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 <i>Food Act 2008</i> [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>	CEO Executive Director Strategy and Development Manager Public Health and Built Environment
<b>Conditions</b>	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
<b>Express power to subdelegate</b>	NIL - <i>Food Regulations 2009</i> 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>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>11.1.3 Food business registrations</b>
<b>Head of power</b>	11 Delegations made under the Food Act 2008
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express power or duty delegated</b>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<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>	CEO Coordinator Environmental Health Executive Director Strategy and Development Manager Public Health and Built Environment
<b>Conditions</b>	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
<b>Express power to subdelegate</b>	NIL – <i>Food Regulations 2009</i> 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 The guideline to which this delegation should be informed by can be found here - <a href="#">Designation-of-authorised-officers</a>
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>11.1.4 Debt recovery and prosecutions</b>
<b>Head of power</b>	11 Delegations made under the Food Act 2008
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express power or duty delegated</b>	<i>Food Act 2008:</i> s.54 Cost of destruction or disposal of forfeited item 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 <i>Food Act 2008</i> [s.125].</li> </ol>
<b>Delegates</b>	CEO Executive Director Strategy and Development Manager Public Health and Built Environment
<b>Conditions</b>	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
<b>Express power to subdelegate</b>	NIL - <i>Food Regulations 2009</i> do not provide for sub-delegation.
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>11.1.5 Food businesses list – public access</b>
<b>Head of power</b>	11 Delegations made under the Food Act 2008
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express power or duty delegated</b>	<i>Food Regulations 2009:</i> r.51 Enforcement agency may make list of food
<b>Function</b>	Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].
<b>Delegates</b>	CEO Executive Director Strategy and Development Manager Public Health and Built Environment
<b>Conditions</b>	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
<b>Express power to subdelegate</b>	NIL - <i>Food Regulations 2009</i> do not provide for sub-delegation.
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>11.1.6 Appoint Authorised Officers and Designated Officers</b>
<b>Head of power</b>	11 Delegations made under the Food Act 2008
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express power or duty delegated</b>	<i>Food Act 2008:</i> s.122(1) Appointment of authorised officers 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 <i>Public Health Act 2016</i>, to be a Designated Officer for the purposes of issuing Infringement Notices under the <i>Food Act 2008</i> [s.126(13)].</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>	CEO
<b>Conditions</b>	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 Inspectors</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>
<b>Express power to subdelegate</b>	NIL - <i>Food Regulations 2009</i> 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 s.123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

## 11.2 Appointment of Authorised Officers and Designated Officers under the Food Act 2008

Note that Council has delegated authority to the CEO to appoint Authorised Officers and Designated Officers under the Food Act 2008 (see delegation 11.1.6)

<b>Delegation</b>	<b>11.7.1 List of authorised officers under the Food Act 2008</b>
<b>Head of power</b>	11.2 Appointment of Authorised Officers and Designated Officers under the Food Act 2008
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	Delegation 11.6.1 - The Chief Executive Officer is delegated the power to appoint a person to be an authorised officer for the purpose of the Food Act 2008
<b>Express power or duty delegated</b>	All powers conferred on an authorised person under the <i>Food Act 2008</i>
<b>Function</b>	Authority to undertake all functions of an authorised person under the <i>Food Act 2008</i>
<b>Delegates</b>	Coordinator Environmental Health Environmental Health Officer Manager Public Health and Built Environment Senior Environmental Health Officer
<b>Statutory framework</b>	Guidance note: The Food Act requires a separation between officers who may be authorised to issue infringements from those who can withdraw an infringement or extend the period within which a modified penalty may be paid.
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	EMC - Item 5.4
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>11.7.2 List of designated officers - issuing infringements under the Food Act 2008</b>
<b>Head of power</b>	11.2 Appointment of Authorised Officers and Designated Officers under the Food Act 2008
<b>Delegator</b>	CEO
<b>Express power or duty delegated</b>	Food Act 2008: s.126(2) Issuing infringement notices
<b>Function</b>	Authority to issue infringement notices
<b>Delegates</b>	Coordinator Environmental Health Environmental Health Officer Senior Environmental Health Officer
<b>Statutory framework</b>	Guidance note: The Food Act requires a separation between officers who may be authorised to issue infringements from those who can withdraw an infringement or extend the period within which a modified penalty may be paid.
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	EMC - Item 5.4
<b>Last reviewed</b>	21 May 2024



<b>Delegation</b>	<b>11.7.3 List of designated officers - administration of infringement notices under the Food Act 2008</b>
<b>Head of power</b>	11.2 Appointment of Authorised Officers and Designated Officers under the Food Act 2008
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	Delegation 11.6.1 - The Chief Executive Officer is delegated the power to appoint a person to be an authorised officer for the purposes of the Food Act 2008
<b>Express power or duty delegated</b>	Food Act 2008: s.126(6) Extend the time for payment s.126(7) Determine withdrawal of an infringement notice
<b>Function</b>	Authority to extend the time for payment of modified penalties and determine withdrawal of an infringement notice
<b>Delegates</b>	Executive Director Strategy and Development Manager Public Health and Built Environment
<b>Conditions</b>	Prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements
<b>Statutory framework</b>	Guidance note: The Food Act requires a separation between officers who may be authorised to issue infringements from those who can withdraw an infringement or extend the period within which a modified penalty may be paid.
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	EMC - Item 5.4
<b>Last reviewed</b>	21 May 2024

## 12 Delegations made under the Graffiti Vandalism Act 2016

References to 'CEO' in the Graffiti Vandalism Act 2016 mean the CEO of the Department of Corrective Services. There are no powers or duties assigned to the CEO of a local government within this Act.

### 12.1 Delegations from Council to CEO

<b>Delegation</b>	<b>12.1.1 Give notice requiring obliteration of graffiti</b>
<b>Head of power</b>	12 Delegations made under the Graffiti Vandalism Act 2016
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.18(2) Notice requiring removal of graffiti 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>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
<b>Subdelegates</b>	Executive Director Community and Business Services Executive Director Infrastructure and Environment Manager Ranger Services
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal under s23 of the <i>Graffiti Vandalism Act 2016</i>
<b>Record keeping</b>	Notes: Previously delegation 3.4 of the City's 2018/19 register.
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>12.1.2 Notices – deal with objections and give effect to notices</b>
<b>Head of power</b>	12 Delegations made under the Graffiti Vandalism Act 2016
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express power or duty delegated</b>	<i>Graffiti Vandalism Act 2016:</i> s.22(3) Objection may be lodged 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>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
<b>Subdelegates</b>	Executive Director Community and Business Services Executive Director Infrastructure and Environment Manager Ranger Services
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>12.1.3 Obliterate graffiti on private property</b>
<b>Head of power</b>	12 Delegations made under the Graffiti Vandalism Act 2016
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express power or duty delegated</b>	<i>Graffiti Vandalism Act 2016:</i> 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>	CEO
<b>Conditions</b>	a. Subject to exercising Powers of Entry. b. Graffiti removal is to be undertaken in accordance with Policy 2.1.3 – Graffiti Control and Removal.
<b>Express power to subdelegate</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
<b>Subdelegates</b>	Executive Director Community and Business Services Executive Director Infrastructure and Environment Manager Ranger Services
<b>Subdelegate conditions</b>	a. Subject to exercising Powers of Entry. b. Graffiti removal is to be undertaken in accordance with Policy 2.1.3 – Graffiti Control and Removal.
<b>Record keeping</b>	Notes: Previously 3.4 in 2018/19 register of delegations.
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>12.1.4 Powers of entry</b>
<b>Head of power</b>	12 Delegations made under the Graffiti Vandalism Act 2016
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express power or duty delegated</b>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<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>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
<b>Subdelegates</b>	Executive Director Community and Business Services Executive Director Infrastructure and Environment Manager Ranger Services
<b>Subdelegate conditions</b>	Nil
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

## 12.2 Appointment of Authorised Persons under the Graffiti Vandalism Act 2016

Section 15 of the Graffiti Vandalism Act 2016 provides that:

### 15. Application

For the purposes of the Local Government Act 1995 Part 9 Divisions 1 and 2, a function under that Part is a function that a person may be authorised to perform under this Part:

<b>Delegation</b>	<b>12.2.1 List of Authorised Persons under the Graffiti Vandalism Act 2016</b>
<b>Head of power</b>	12.2 Appointment of Authorised Persons under the Graffiti Vandalism Act 2016
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	Section 15 of the Graffiti Vandalism Act 2016
<b>Express power or duty delegated</b>	All powers conferred on an authorised person under the <i>Graffiti Vandalism Act 2016</i>
<b>Function</b>	Authority to undertake all functions of an authorised person under the <i>Graffiti Vandalism Act 2016</i>
<b>Delegates</b>	Coordinator Ranger Services Executive Director Community and Business Services Executive Director Infrastructure and Environment Manager Ranger Services Ranger
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	EMC - Item 5.4
<b>Last reviewed</b>	21 May 2024

## 13 Delegations made under the Public Health Act 2016

### Guidance note

Section 21 of the Public Health Act 2016 provides that powers may only be delegated to the CEO or an authorised officer designated under s.24 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.

Under s4 of the Act, 'enforcement agency' includes a local government.

### 13.1 Delegation from Council to CEO

<b>Delegation</b>	<b>13.1.1 Enforcement agency reports to the Chief Health Officer</b>
<b>Head of power</b>	13 Delegations made under the Public Health Act 2016
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
<b>Express power or duty delegated</b>	<i>Public Health Act 2016</i> 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 City [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>	CEO
<b>Conditions</b>	Nil
<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> s.20 Conditions on performance of functions by enforcement agencies.
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>13.1.2 Determine compensation for seized items</b>
<b>Head of power</b>	13 Delegations made under the Public Health Act 2016
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
<b>Express power or duty delegated</b>	<i>Public Health Act 2016</i> s.264 Compensation
<b>Function</b>	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 inconsequence of the seizure depreciated in value [s.264].
<b>Delegates</b>	CEO
<b>Conditions</b>	Compensation is limited to a maximum value of \$5,000 with any proposal for compensation above this value to be referred for Council's determination.
<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> s.20 Conditions on performance of functions by enforcement agencies. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024



<b>Delegation</b>	<b>13.1.3 Commence Proceedings</b>
<b>Head of power</b>	13 Delegations made under the Public Health Act 2016
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
<b>Express power or duty delegated</b>	<i>Public Health Act 2016</i> s.280 Commencing Proceedings
<b>Function</b>	Authority to commence proceedings for an offence under the <i>Public Health Act 2016</i> [s.280]
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<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> s.20 Conditions on performance of functions by enforcement agencies.
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>13.1.4 Appoint Authorised Officer or Approved Officer (Asbestos Regulations)</b>
<b>Head of power</b>	13 Delegations made under the Public Health Act 2016
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Health (Asbestos) Regulations 1992:</i> r.15D(7) Infringement Notices
<b>Express power or duty delegated</b>	<i>Health (Asbestos) Regulations 1992:</i> r.15D(5) Infringement Notices
<b>Function</b>	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>	CEO
<b>Conditions</b>	Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices[r.15D(6)].
<b>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</i> – Part 2
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>13.1.5 Designate Authorised Officers</b>
<b>Head of power</b>	13 Delegations made under the Public Health Act 2016
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
<b>Express power or duty delegated</b>	<i>Public Health Act 2016</i> 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> <ol style="list-style-type: none"> <li>i. The Public Health Act 2016 or other specified Act</li> <li>ii. Specified provisions of the Public Health Act 2016 or other specified Act</li> <li>iii. Provisions of the Public Health Act 2016 or another specified Act, other than the specified provisions of that Act.</li> </ol> <p>Including:</p> <ol 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> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. 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>b. A Register (list) of authorised officers is to be maintained in accordance with s.27.</li> </ol>
<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>	<p><i>Public Health Act 2016</i></p> <p>s.20 Conditions on performance of functions by enforcement agencies</p> <p>s.25 Certain authorised officers required to have qualifications and experience.</p> <p>s.26 Further provisions relating to designations</p> <p>s.27 Lists of authorised officers to be maintained</p> <p>s.28 When designation as authorised officer ceases</p> <p>s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers</p> <p>s.30 Certificates of authority</p> <p>s.31 Issuing and production of certificate of authority for purposes of other written laws</p> <p>s.32 Certificate of authority to be returned.</p> <p>s.136 Authorised officer to produce evidence of authority</p> <p><i>Criminal Investigation Act 2006</i>, Parts 6 and 13 – refer s.245 of the <i>Public Health Act 2016</i></p> <p><i>The Criminal Code, Chapter XXVI</i> –refer s.252 of the <i>Public Health Act 2016</i></p>
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

## 13.2 Appointment of Approved and Authorised Officers under the Health (Asbestos) Regulations 1992

Note that Council has delegated authority to the CEO to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the Criminal Procedure Act 2004 Part 2 [r.15D(5)].(see delegation 13.1.4)

<b>Delegation</b>	<b>13.2.1 List of authorised officers under the Health (Asbestos) Regulations 1992</b>
<b>Head of power</b>	13.2 Appointment of Approved and Authorised Officers under the Health (Asbestos) Regulations 1992
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	Delegation 13.1.4 - The Chief Executive Officer is delegated 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>Express power or duty delegated</b>	All powers conferred on an authorised officers under the <i>Health (Asbestos) Regulations 1992</i>
<b>Function</b>	Authority to undertake all functions of an authorised officer under the <i>Health (Asbestos) Regulations 1992</i>
<b>Delegates</b>	Coordinator Environmental Health Environmental Health Officer Manager Public Health and Built Environment Senior Environmental Health Officer
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	EMC - Item 5.4
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>13.2.2 List of approved officers under the Health (Asbestos) Regulations 1992</b>
<b>Head of power</b>	13.2 Appointment of Approved and Authorised Officers under the Health (Asbestos) Regulations 1992
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	Delegation 13.1.4 - The Chief Executive Officer is delegated authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the Criminal Procedure Act 2004 Part 2 [r.15D(5)].
<b>Express power or duty delegated</b>	All powers conferred on an approved officer under the <i>Health (Asbestos) Regulations 1992</i>
<b>Function</b>	Authority to undertake all functions of an approved officer under the <i>Health (Asbestos) Regulations 1992</i>
<b>Delegates</b>	Executive Director Strategy and Development
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	EMC - Item 5.4
<b>Last reviewed</b>	21 May 2024

### 13.3 Appointment of Authorised Officers under the Public Health Act 2016

Note that Council has delegated authority to the CEO to appoint Authorised Officers under the Public Health Act 2016 (see delegation 13.1.5)

<b>Delegation</b>	<b>13.3.1 List of authorised officers under the Public Health Act 2016</b>
<b>Head of power</b>	13.3 Appointment of Authorised Officers under the Public Health Act 2016
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<p>Delegation 13.1.5 - The Chief Executive Officer is delegated authority to designate a person or class of persons as authorised officers for the purpose of:</p> <ol 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 Public Health Act 2016 or another specified Act, other than the specified provisions of that Act.</li> </ol> <p>Including:</p> <ol 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> </ol>
<b>Express power or duty delegated</b>	All powers conferred in an authorised person under <i>Public Health Act 2016</i>
<b>Function</b>	Authority to undertake all functions of an authorised person under <i>Public Health Act 2016</i>
<b>Delegates</b>	<p>Coordinator Environmental Health  Environmental Health Officer  Manager Public Health and Built Environment  Senior Environmental Health Officer</p>
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	EMC - Item 5.4
<b>Last reviewed</b>	21 May 2024

## 14 Delegations made under the Health (Miscellaneous Provisions) Act 1911

## 14.1 Delegation from Council to CEO

<b>Delegation</b>	<b>14.1.1 Discharge of powers and duties under the Act</b>
<b>Head of power</b>	14 Delegations made under the Health (Miscellaneous Provisions) Act 1911
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Health (Miscellaneous Provisions) Act 1911:</i> Section 26
<b>Express power or duty delegated</b>	To exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe, but so that such appointment shall not affect the exercise or discharge by the local government itself of any power or function
<b>Function</b>	The CEO is appointed as the City's deputy under the Act to exercise and discharge all or any of the powers and functions of the local government.
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Subdelegates</b>	Coordinator Environmental Health Executive Director Strategy and Development Manager Public Health and Built Environment Senior Environmental Health Officer
<b>Subdelegate conditions</b>	Nil
<b>Record keeping</b>	Notes: Previously delegation 4.2 of the City's 2018/19 register.
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	Council 20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>14.1.2 Appoint Authorised Persons</b>
<b>Head of power</b>	14 Delegations made under the Health (Miscellaneous Provisions) Act 1911
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Health (Miscellaneous Provisions) Act 1911</i>
<b>Express power or duty delegated</b>	To exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe, but so that such appointment shall not affect the exercise or discharge by the local government itself of any power or function
<b>Function</b>	The CEO may appoint authorised persons under the Act.
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	Council 20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024



## 14.2 Appointment of authorised persons under the Health (Miscellaneous Provisions) Act 1911

Note that Council has delegated authority to the CEO to appoint authorised persons under the Health (Miscellaneous Provisions) Act 1911 (see delegation 14.1.2).

<b>Delegation</b>	<b>14.2.1 List of Authorised Persons under the Health (Miscellaneous Provisions) Act 1911</b>
<b>Head of power</b>	14.2 Appointment of authorised persons under the Health (Miscellaneous Provisions) Act 1911
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	Delegation 14.1.2 - The Chief Executive Officer is delegated the power to appoint authorised persons under the <i>Health (Miscellaneous Provisions) Act 1911</i>
<b>Express power or duty delegated</b>	All powers conferred on an authorised person under the <i>Health (Miscellaneous Provisions) Act 1911</i>
<b>Function</b>	Authority to undertake all functions of an authorised person under the <i>Health (Miscellaneous Provisions) Act 1911</i>
<b>Delegates</b>	Coordinator Environmental Health Environmental Health Officer Executive Director Strategy and Development Manager Public Health and Built Environment Senior Environmental Health Officer
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	EMC - Item 5.4
<b>Last reviewed</b>	21 May 2024

## 15 Appointment of authorised persons under the Caravan Parks and Camping Grounds Act 1995

### Guidance note

There is no need for Council to delegate authority to the CEO to appoint persons to undertake certain matters under the Caravan Parks and Camping Grounds Act 1995 as section 17 of the Caravan Parks and Camping Grounds Act 1995 confers power directly on the CEO of a 'local government' authority to appoint 'authorised persons'

### 15.1 Appointment of Authorised Persons by the CEO

<b>Delegation</b>	<b>15.1.1 Appointment of authorised persons under the Caravan Parks and Camping Grounds Act 1995</b>
<b>Head of power</b>	15 Appointment of authorised persons under the Caravan Parks and Camping Grounds Act 1995
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	There is no need for Council to delegate authority to the CEO to appoint persons to undertake certain matters under the <i>Caravan Parks and Camping Grounds Act 1995</i> as section 17 of the <i>Caravan Parks and Camping Grounds Act 1995</i> confers power directly on the CEO of a 'local government' authority to appoint 'authorised persons'.
<b>Express power or duty delegated</b>	Authorised persons under the <i>Caravan Parks and Camping Grounds Act 1995</i> for the purpose of: s18, Powers of entry 20 Entry of occupied caravan or camp and 23(2) Infringement notices
<b>Function</b>	1 Authority to: (a) enter and inspect a facility, other than a building in a facility that is used as a residence; and (b) enter and inspect any caravan or camp which is not in a facility; and (c) after serving reasonable notice or with the consent of the occupier, enter and inspect a building in a facility that is used as a residence; and (d) stop, enter, inspect or detain any vehicle in a caravan park or camping ground; and (e) conduct such examinations and inquiries as the authorised person considers necessary to ascertain whether there has been compliance with this Act or any condition imposed under this Act; and (f) require any person to state his or her name and principal place of residence; and (g) exercise such other powers as are prescribed 2 Authority to enter an occupied caravan or camp in accordance with s20 of the <i>Caravan Parks and Camping Grounds Act 1995</i> 3. Authority to give an infringement notice to a person who they have reason to believe has committed a prescribed offence against the <i>Caravan Parks and Camping Grounds Act 1995</i> , in accordance with section 23(2) of that Act.

<b>Delegates</b>	Building Surveyor Coordinator Environmental Health Coordinator Ranger Services Environmental Health Officer Executive Director Community and Business Services Executive Director Infrastructure and Environment Executive Director Strategy and Development Manager Development and Design Manager Public Health and Built Environment Manager Ranger Services Ranger Senior Environmental Health Officer
<b>Date adopted</b>	16 March 2023
<b>Adoption references</b>	EMC 16/03/20023 - Item 5.5
<b>Last reviewed</b>	21 May 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
21 Mar 2024	Amended delegation	Authorisation extended to Executive Director Infrastructure and Environment	Annual review undertaken by EMC - Item 5.4

## 16 Delegations made under the Planning and Development Act 2005

## 16.1 Delegation from Council to CEO

<b>Delegation</b>	<b>16.1.1 Determination of various applications for development approval under the City's Local Planning Scheme</b>
<b>Head of power</b>	16 Delegations made under the Planning and Development Act 2005
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	Regulations 81-84 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
<b>Express power or duty delegated</b>	<p>Determination of an application for development approval under clause 68 of Schedule 2 of the <i>Planning and Development (Local Planning Scheme) Regulations</i>; subclause 29(2) of the Metropolitan Region Scheme; and subsection 31(2) of the <i>State Administrative Tribunal Act 2004</i>.</p> <p>Advertising of applications and proposals under subclauses 18(4), 23(2) and 34(4) of the City of Vincent Local Planning Scheme No. 2; Clauses 18, 50 and 64 and subclauses 66(1) and 77(3) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>; and subclause 30(1) of the Metropolitan Region Scheme.</p> <p>Determining accompanying material requirements for applications for development approval, including refusal to accept an application, under Clauses 11, 63 and 85 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>Amending or cancelling development approval, including waiving or varying a requirement in Part 8 or 9 of the Planning and Development (Local Planning Schemes) Regulations 2015 for minor amendments and temporary works or use, under Clause 77 and subclauses 61(1)(a) and (b) (Item 17), and 61(2)(f) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>Determining accompanying material requirements for Local Development Plans under Clause 49 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>The Chief Executive Officer is delegated the power to:</p> <ul style="list-style-type: none"> <li>• Exercise discretion, determine and apply conditions to all applications for development approval made under the City of Vincent Local Planning Scheme No. 2 and/or Metropolitan Region Scheme;</li> <li>• Exercise discretion and affirm, vary or set aside a decision made on an application for development approval following a request by the State Administrative Tribunal for a reconsideration to be made under section 31 of the State Administrative Tribunal Act 2004;</li> <li>• Determine the requirement for and extent of advertising of applications and proposals made under the City of Vincent Local Planning Scheme No. 2 and Metropolitan Region Scheme;</li> <li>• Determine the type and extent of accompanying material required to be lodged with applications and proposals made under the City of Vincent Local Planning Scheme No. 2 and Metropolitan Region Scheme and whether an application should be accepted or rejected;</li> <li>• Exercise discretion, determine and apply conditions to all applications to amend or</li> </ul>

	<p>cancel a development approval;</p> <ul style="list-style-type: none"> <li>• Exercise discretion, determine and apply conditions to all applications made to extend the period within which a development approved must be substantially commenced;</li> <li>• Exercise discretion, determine and apply conditions to all applications made under regulation 17A of the Planning and Development (Development Assessment Panels) Regulations 2011 to amend or cancel a development approval made by a Development Assessment Panel;</li> <li>• Waive or vary a requirement in Part 8 or Part 9 of the Planning and Development (Local Planning Schemes) Regulations 2015 in respect of an application where that application is considered to relate to a minor amendment to the development approval; and</li> <li>• Determine the type and extent of accompanying material requirements, and any modifications required by Council in respect to a Local Development Plan under Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015.</li> </ul>
<p><b>Function</b></p>	<p>The determination of applications for development approval made under City of Vincent Local Planning Scheme No. 2 and the <i>Metropolitan Region Scheme</i>. Reconsidering a decision when invited to do so by the State Administrative Tribunal under section 31 of the <i>State Administrative Tribunal Act 2004</i>.</p> <p>Determining the requirement for and extent of advertising of applications and proposals made under the City of Vincent Local Planning Scheme No. 2 and <i>Metropolitan Region Scheme</i>.</p> <p>Determining the type and extent of accompanying material required to be lodged with applications and proposals made under the City of Vincent Local Planning Scheme No. 2 and <i>Metropolitan Region Scheme</i> and whether an application should be accepted or not; The determination of applications to amend or cancel a development approval made under delegated authority or to extend the period within which the development approved must be substantially commenced.</p> <p>Waiving or varying a requirement in Part 8 or Part 9 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> in respect of an application where that application is considered to relate to a minor amendment to the development approval. Determine the type and extent of accompanying material requirements, and any modifications required by Council in respect to a Local Development Plan under Part 6 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>
<p><b>Delegates</b></p>	<p>CEO</p>
<p><b>Conditions</b></p>	<ol style="list-style-type: none"> <li>1. This delegation does not extend to applications for development approval that propose to introduce one of the following land uses listed under Local Planning Scheme No. 2: <ol style="list-style-type: none"> <li>a. Cinema/theatre;</li> <li>b. Club premises;</li> <li>c. Corrective institution;</li> <li>d. Exhibition centre;</li> <li>e. Hospital;</li> <li>f. Hotel;</li> <li>g. Motel;</li> <li>h. Nightclub;</li> <li>i. Place of worship;</li> <li>j. Reception centre;</li> <li>k. Residential building;</li> <li>l. Restricted Premises</li> <li>m. Serviced apartment;</li> <li>n. Tavern, unless: <ol style="list-style-type: none"> <li>i. the premises is already subject to a Tavern Licence issued under the Liquor Licensing Act 1985; or</li> </ol> </li> </ol> </li> </ol>

- ii. the Tavern accommodates 120 patrons or less
2. This delegation does not extend to applications for development approval that propose a height of three storeys or more and do not meet the applicable Building Height deemed-to-comply standard or Acceptable Outcomes set by the Residential Design Codes in respect to the number of storeys and/or the height measured in metres;
  3. This delegation does not extend to applications for development approval that propose a new non-conforming use that is proposed to replace and effect the discontinuance of an existing non-conforming use;
  4. This delegation does not extend to applications for telecommunications infrastructure that have received one or more objections;
  5. This delegation does not extend to the approval of applications for a billboard sign or directional sign;
  6. This delegation does not extend to applications for development approval that propose demolition of any structure/building on a heritage protected place, unless:
    - a. the demolition aspect of the proposal is supported by a member of the City's Design Review Panel specialising in Heritage;
    - b. the proposed demolition satisfies the relevant Acceptable Development criteria (or otherwise prescribed standard) of the City's local planning policies relating to heritage; and
    - c. the structure/building does not contribute towards the heritage significance of the heritage place as specified within the Statement of Significance for the place.
  7. This delegation does not extend to applications for development approval that propose alterations and additions to a place listed on the State Register of Heritage Places, unless the works are for:
    - a. External fixtures (as defined by the Residential Design Codes);
    - b. Restoration and remediation works;
    - c. Internal building works;
    - d. Façade upgrades and roof replacements; or
    - e. Single storey additions that are located behind the front building line of the existing heritage building.
  8. This delegation does not extend to applications for development approval that have received more than five (5) objections during the City's community consultation period unless the application is for a billboard sign or directional sign;
  9. This delegation does not extend to applications to amend a development approval that was determined by Council, unless the amendments proposed:
    - a. meet all equivalent acceptable or deemed-to-comply standards, or does not propose any further departure to previously approved variations to acceptable or deemed-to-comply standards, set out in the City's Local Planning Policies;
    - b. meet all of the deemed-to-comply standards or element objectives and acceptable outcomes, or does not propose any further departure to previously approved variations to deemed-to-comply standards, or element objectives and acceptable outcomes, as set out in the Residential Design Codes; and
    - c. would not change the impact of any condition imposed and would not change the substantial commencement period of the approved development.
  10. This delegation does not extend to requests from the State Administrative Tribunal for a reconsideration of a Council decision under section 31 of the State Administrative Tribunal Act 2004;
  11. This delegation does not extend to applications for development approval that propose more than three (3) 'Dwellings (Grouped)' or 'Dwellings (Multiple)' and do not meet the deemed-to-comply standards or acceptable outcomes in relation to car parking of the Residential Design Codes; and
  12. This delegation does not extend to applications for development approval that propose permanent structures on City owned or managed land, except where:
    - a. The structure is an awning, or
    - b. The structure is for a ground anchor; or
    - c. The structure is for an encroachment which:
      - i. is an architectural feature and does not encroach by greater than 250 millimetres; or

	<p>ii. is a window or shutter that encroaches on a road or public space by no more than 50 millimetres when open, and is at least 2.75 metres above the ground level;</p> <p>as outlined in the Minster's for Land's authorisations.</p>
<b>Subdelegates</b>	<p>Coordinator Planning Services  Coordinator Statutory Planning  Executive Director Strategy and Development  Manager Development and Design  Senior Urban Planners  Specialist Planner</p>
<b>Subdelegate conditions</b>	Nil additional
<b>Record keeping</b>	<p>Notes:  Previously delegation 6.2 of the City's 2018/19 register.</p>
<b>Date adopted</b>	21 May 2024
<b>Adoption references</b>	Council 20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
21 May 2024	Amended delegation	Delegation amended as part of annual review	OMC 21/05/2024 - Item 12.3

<b>Delegation</b>	<b>16.1.2 Deal with illegal development under s214 of the Act</b>
<b>Head of power</b>	16 Delegations made under the Planning and Development Act 2005
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Planning and Development Act 2005:</i> 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>	CEO
<b>Conditions</b>	Any expenses incurred by the City in carrying out the works specified in a direction notice shall be recovered from the person to whom the direction was given.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Coordinator Compliance Services Coordinator Planning Services Executive Director Strategy and Development Manager Development and Design Manager Public Health and Built Environment Specialist Planner
<b>Statutory framework</b>	Part 13 of the <a href="#">Planning and Development Act 2005</a>
<b>Record keeping</b>	Notes: Previously delegation 6.1 of the City's 2018/19 register.
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	Council 20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024



<b>Delegation</b>	<b>16.1.3 Enforce compliance with a direction issued under section 214 of the Act</b>
<b>Head of power</b>	16 Delegations made under the Planning and Development Act 2005
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Planning and Development Act 2005:</i> Section 215(1) and (2)
<b>Function</b>	Enforce compliance with a written direction issued under section 214 of the <i>Planning and Development Act 2005</i> to remove, pull down, take up or alter the development, restore the land as nearly as practicable to its condition immediately before the development started and to recover the costs from the person the written direction was given to.
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Coordinator Compliance Services Coordinator Planning Services Executive Director Strategy and Development Manager Development and Design Manager Public Health and Built Environment Specialist Planner
<b>Statutory framework</b>	Part 13 of the <a href="#">Planning and Development Act 2005</a>
<b>Record keeping</b>	Notes: Previously delegation 6.1 of the City's 2018/19 register.
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	Council 20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>16.1.4 Issue of heritage conservation notice under Planning and Development (Local Planning Schemes) Regulations 2015</b>
<b>Head of power</b>	16 Delegations made under the Planning and Development Act 2005
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Regulations 81-84 of the Planning and Development (Local Planning Schemes) Regulations 2015</i> Reg 82 – the local government may, by resolution, delegate to a committee or a local government CEO any of the local government’s powers or duties under this Scheme.
<b>Express power or duty delegated</b>	Clauses 13(2), (3), (4) and (5), Schedule 2 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> – Heritage Conservation Notice
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Form the view that a heritage place is not being properly maintained and give a written notice requiring the person to carry out specified repairs to the heritage place by a specified time, being a time that is not less than 60 days after the day on which the notice is given;</li> <li>2. If a person fails to comply with a heritage conservation notice, enter the heritage place and carry out the repairs specified in the notice;</li> <li>3. Recover the expenses incurred in carrying out repairs as a debt due from the person to whom the notice was given, in a court of competent jurisdiction;</li> <li>4. Vary a heritage conservation notice to extend the time for carrying out the specified repairs; and</li> <li>5. Revoke a heritage conservation notice.</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Reg 83 - CEO may delegate any of the CEO’s powers and duties to other employees, other than power of delegation
<b>Date adopted</b>	20 June 2023
<b>Adoption references</b>	Council 20/06/2023 - Item 12.1
<b>Last reviewed</b>	21 May 2024

## 16.2 List of Authorised and Designated Persons under the Planning and Development Act 2005 and Local Planning Scheme No 2

- Section 234 of the Planning and Development Act 2005 confers power directly on the CEO of a 'responsible authority' to appoint 'designated people.
- Similarly, Regulation 79 of the Planning and Development (Local Planning Scheme) Regulations provides for the CEO of a local government to appoint authorised persons to undertake certain functions.
- Finally, s20 (3) of the Criminal Procedures Act 2004 provides that a person authorised in writing by a local government may commence proceedings

<b>Delegation</b>	<b>16.2.1 List of Designated Persons - issuing infringements</b>
<b>Head of power</b>	16.2 List of Authorised and Designated Persons under the Planning and Development Act 2005 and Local Planning Scheme No 2
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	Section 234 of the <i>Planning and Development Act 2005</i> confers power directly on the CEO of a 'responsible authority' to appoint 'designated persons'
<b>Function</b>	Authority to give an infringement notice pursuant to section 228 of the <i>Planning and Development Act 2005</i>
<b>Delegates</b>	Coordinator Compliance Services Coordinator Planning Services Development Compliance Officer Senior Compliance Officer Senior Urban Planners Specialist Planner
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	EMC - Item 5.4
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>16.2.2 List of Designated Persons - administering infringements</b>
<b>Head of power</b>	16.2 List of Authorised and Designated Persons under the Planning and Development Act 2005 and Local Planning Scheme No 2
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	Section 234 of the <i>Planning and Development Act 2005</i> confers power directly on the CEO of a 'responsible authority' to appoint 'designated persons'
<b>Function</b>	Authority to withdraw an infringement or grant an extension of time for payment pursuant to sections 230 and 231 of the <i>Planning and Development Act 2005</i>
<b>Delegates</b>	Executive Director Strategy and Development Manager Development and Design Manager Public Health and Built Environment
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	EMC - Item 5.4
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>16.2.3 List of Authorised Persons - entry and inspection</b>
<b>Head of power</b>	16.2 List of Authorised and Designated Persons under the Planning and Development Act 2005 and Local Planning Scheme No 2
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	Regulation 79(1) The local government CEO may, by instrument in writing, designate an officer of the local government as an authorised officer for the purposes of this clause.
<b>Express power or duty delegated</b>	79(2) - Entry and inspection powers
<b>Function</b>	Authority to: (a) enter any building or land in the Scheme area; and (b) inspect the building or land and any thing in or on the building or land. for the purpose of monitoring whether the local planning scheme is being complied with
<b>Delegates</b>	Coordinator Compliance Services Coordinator Planning Services Development Compliance Officer Executive Director Strategy and Development Graduate Urban Planner Manager Development and Design Manager Public Health and Built Environment Senior Compliance Officer Senior Urban Planners Specialist Planner Urban Planner
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	EMC - Item 5.4
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>16.2.4 List of Authorised Persons - commencing prosecution</b>
<b>Head of power</b>	16.2 List of Authorised and Designated Persons under the Planning and Development Act 2005 and Local Planning Scheme No 2
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	s20 (3) of the Criminal Procedures Act 2004
<b>Function</b>	Authorised persons for the purposes of commencing a prosecution for a breach of the Local Planning Scheme pursuant to s20 of the <i>Criminal Procedure Act 2004</i>
<b>Delegates</b>	Executive Director Strategy and Development Manager Development and Design Manager Public Health and Built Environment
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	EMC - Item 5.4
<b>Last reviewed</b>	21 May 2024

## 17 Appointments by the Chief Executive Officer

<b>Delegation</b>	<b>17.1.1 Appointment of Public Interest Disclosure Officer</b>
<b>Head of power</b>	17 Appointments by the Chief Executive Officer
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	Section 23(1)(a) of the <i>Public Interest Disclosure Act 2003</i> provides that:  <i>23. Principal executive officer of public authority, duties of</i> <i>(1) The principal executive officer of a public authority must —</i> <i>(a) designate the occupant of a specified position with the authority as the person responsible for receiving disclosures of public interest information</i>
<b>Function</b>	Designated as Public Interest Disclosure (PID) officers pursuant to section 23(1)(a) of the <i>Public Interest Disclosure Act 2003</i> and responsible for receiving disclosures of public interest information.
<b>Delegates</b>	Executive Manager Corporate Strategy and Governance Executive Manager Human Resources
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	EMC - Item 5.4
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>17.1.2 Appointment of Principal Decision Maker – Freedom of Information Act 1992</b>
<b>Head of power</b>	17 Appointments by the Chief Executive Officer
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	Section 100(1)(a) of the <i>Freedom of information Act 1992</i> provides that: <b>100. Who in agency makes its decisions</b> <i>(1) Decisions made under this Act by an agency are to be made by —</i> <i>(a) the principal officer of the agency; or</i> <i>(b) an officer of the agency directed by the principal officer for that purpose, either generally or in a particular case.</i>
<b>Function</b>	Appointed as principal officers pursuant to section 100(1)(a) of the <i>Freedom of Information Act 1992</i> and are responsible for undertaking the duties and functions associated with the lodgment and collation of an application for information in accordance with sections 11 and 12 this Act
<b>Delegates</b>	Coordinator Information
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ Details of the Application is to be recorded including date received, date completed, number of days to process and quoted exemptions for the Annual Statistical Report to the Freedom of Information Commissioner; and</li> <li>▪ Pursuant to section, 41 of the Freedom of Information Act 1992 the Chief Executive Officer is designated Internal Review Officer.</li> </ul>
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	EMC - Item 5.4
<b>Last reviewed</b>	21 May 2024



<b>Delegation</b>	<b>17.1.3 Appointment of Records Disposal Officer – City of Vincent Recordkeeping Plan</b>
<b>Head of power</b>	17 Appointments by the Chief Executive Officer
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	Section 5.7 of the City of Vincent Recordkeeping Plan (RKP) provides that: <b>5.7 Authorisation for Disposal of Records</b> Before any records are destroyed or transferred to the SRO, a list of those records due for destruction or transfer is reviewed by the Senior Records Officer and Chief Executive Officer and authorised for destruction or transfer.
<b>Function</b>	Appointed as Record Disposal Officer pursuant to Section 5.7 of the City of Vincent Recordkeeping Plan (RKP) and are responsible reviewing and authorising records for destruction or transfer to the State Records Office
<b>Delegates</b>	Coordinator Information Executive Manager Corporate Strategy and Governance Executive Manager ICT
<b>Conditions</b>	Each Destruction Certificate requires a detailed description of records, dates and the relevant General Disposal Authority Local Government reference number.
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	EMC - Item 5.4
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>17.1.4 Authorised to issue certificates under section 39 of the Liquor Control Act 1988</b>
<b>Head of power</b>	17 Appointments by the Chief Executive Officer
<b>Delegator</b>	CEO
<b>Express power or duty delegated</b>	Section 39(1) of the Liquor Control Act 1988 provides that: <b>39. Certificate of local government as to whether premises comply with laws</b> <i>(1) An application made to the licensing authority for the grant or removal of a licence, or for a change in the use or condition of any premises shall be accompanied by a certificate from the local government for the district in which the premises to which the application relates are situated, or are to be situated, unless the licensing authority otherwise determines.</i>
<b>Function</b>	Authorised to certify to whether premises comply with <i>Health (Miscellaneous Provisions) Act 1911, Public Health Act 2016, the Food Act 2008, the Local Government Act 1995 and the Building Act 2011</i> pursuant to section 39(1) of the <i>Liquor Control Act 1988</i>
<b>Delegates</b>	Coordinator Environmental Health Executive Director Strategy and Development Manager Development and Design Manager Public Health and Built Environment
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	EMC - Item 5.4
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>17.1.5 Authorised to issue certificates under section 40 of the Liquor Control Act 1988</b>
<b>Head of power</b>	17 Appointments by the Chief Executive Officer
<b>Delegator</b>	CEO
<b>Express power or duty delegated</b>	Section 40(1) of the <i>Liquor Control Act 1988</i> provides that: <b>40. Certificate of planning authority as to whether use of premises complies with planning laws</b> <i>(1) An application made to the licensing authority for the grant or removal of a licence, or for a change in the use or condition of any premises must be supported by a certificate from the authority responsible for planning matters in the district in which the premises to which the application relates are situated, or are to be situated, unless the licensing authority otherwise determines</i>
<b>Function</b>	Authorised to certify to whether the use of premises complies with respective planning laws or will not comply with the planning requirements specified for the reasons specified in accordance with Section 40(1) of the <i>Liquor Control Act 1988</i> .
<b>Delegates</b>	Coordinator Planning Services Executive Director Strategy and Development Manager Development and Design Specialist Planner
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	EMC - Item 5.4
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>17.1.6 Authorised to intervene or object to an application pursuant to sections 69, 73 and 74 of the Liquor Control Act 1988</b>
<b>Head of power</b>	17 Appointments by the Chief Executive Officer
<b>Delegator</b>	CEO
<b>Express power or duty delegated</b>	Section 69, 73 and 74 of the <i>Liquor Control Act 1988</i>
<b>Function</b>	Authorised for the purposes of section 69, 73 and 74 of the <i>Liquor Control Act 1988</i> to lodge either an intervention or objection to an application made under these sections.
<b>Delegates</b>	Coordinator Environmental Health Coordinator Planning Services Executive Director Strategy and Development Manager Development and Design Manager Public Health and Built Environment Specialist Planner
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	EMC - Item 5.4
<b>Last reviewed</b>	21 May 2024

<b>Delegation</b>	<b>17.1.7 Appointment of Authorised Officers - Litter Act 1979</b>
<b>Head of power</b>	17 Appointments by the Chief Executive Officer
<b>Delegator</b>	CEO
<b>Express power or duty delegated</b>	<p>Section 26(1)(c)(ii) of the <i>Litter Act 1979</i></p> <p><b>26. Authorised officers, appointment and jurisdiction of etc.</b></p> <p>(1) For the purposes of this Act an authorised officer is —</p> <p>(a) any member of the Police Force;</p> <p>(b) any person appointed as such pursuant to subsection (2) within the area of jurisdiction entrusted to him by the appointment;</p> <p>(c) within the district of a local government, any person who is —</p> <p>(i) a member of the council of the local government;</p> <p>or</p> <p>(ii) an employee of the local government; or</p> <p>(iii) an honorary inspector appointed by the local government under section 27AA.</p>
<b>Function</b>	In accordance with Section 26(1)(c)(ii) of the <i>Litter Act 1979</i> all employees are appointed as authorised officers for the purpose of the Act by virtue of their office of employment.
<b>Delegates</b>	All employees
<b>Date adopted</b>	21 March 2024
<b>Adoption references</b>	EMC - Item 5.4
<b>Last reviewed</b>	21 May 2024

## AMENDMENTS

<b>Delegation</b>	<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
2.2.9 Control or roads reserves and certain unvested facilities	21 May 2024	Amended delegation	Delegation amended as part of annual review	OMC 21/05/2024 - Item 12.3
2.2.17 Disposing of property	21 Mar 2024	Amended delegation	CEO conditions on Sub-Delegation amount, for Executive Director Infrastructure and Environment, to \$100,000. To accommodate the increased residual value of light and heavy fleet being disposed via trade-in, auction, or direct sale.	Amended as part of annual review - EMC Item 5.4
2.2.19 Payments from the municipal or trust funds	21 Mar 2024	Amended delegation	Sub-delegation extended to Executive Director Infrastructure and Environment.	Amended as part of annual review - EMC Item 5.4
2.2.20 Defer payment, grant discounts, waive fees or write off debts	21 Mar 2024	Amended delegation	Sub-delegation to Executive Director Infrastructure and Environment to waive fees, grant concessions or write off debts relating to the Infrastructure and Environment Directorate (including infringements).	Amended as part of annual review - EMC Item 5.4
2.2.31 Appointing Complaints Officer	21 May 2024	Amended delegation	Delegation amended as part of annual review	OMC 21/05/2024 - Item 12.3
4.1.1 Building Permits	21 May 2024	Amended delegation	Delegation amended as part of annual review	OMC 21/05/2024 - Item 12.3
4.1.6 Inspection and copies of building records	21 Mar 2024	Amended delegation	Sub-delegation extended to Coordinator Information, Information Officer, Records Officer – Archive Searches	Amended as part of annual review - EMC Item 5.4
9.1.8 Appointment of Registration Officers	21 May 2024	Amended delegation	Delegation amended as part of annual review	OMC 21/05/2024 - Item 12.3
15.1.1 Appointment of authorised persons under the Caravan Parks and Camping Grounds Act 1995	21 Mar 2024	Amended delegation	Authorisation extended to Executive Director Infrastructure and Environment	Annual review undertaken by EMC - Item 5.4
16.1.1 Determination of various applications for development approval under the City's Local Planning Scheme	21 May 2024	Amended delegation	Delegation amended as part of annual review	OMC 21/05/2024 - Item 12.3