

Shire of Lake Grace



2023/24

REGISTER

OF

DELEGATIONS

Reviewed December 2023

A

Delegations from
Council to Chief Executive Officer
(and other officers, where appropriate)

Table of Contents

ADMINISTRATION	5
Tenders	5
Native Title.....	6
Power to Remove & Impound Goods	7
Disposing of Confiscated or Uncollected Goods.....	8
Acting Chief Executive Officer	9
Power of Entry	10
FINANCE	12
Donations.....	12
Creditors, Payment of	13
Insurance - Public Liability Claims	14
Disposal of Council Property.....	15
Power to Invest and Manage Investments.....	16
Write-off / Waive Small Fees or Debts.....	17
Recovery of Unpaid Debtors.....	18
PLANNING	19
Planning Determinations.....	19
PROPERTIES.....	20
Consumption of Liquor on Shire Property	20
Authority to Issue s39 & s40 Certificates	21
Notice Requiring Certain Things to be done by the Owner or Occupier of Land	22
ENGINEERING.....	23
Road Trains & Extra Mass Permits	23
Temporary Closure of Thoroughfares to Vehicles	24
Events on Roads	25
Gates Across Public Thoroughfare	26
Street Trees - Removal.....	27
Crossovers and Access	28
Public Thoroughfares – Fixing or Altering Levels or Alignments or Drainage onto Adjoining Land	29
HEALTH.....	30
Powers of Local Government - (Deputy).....	30
Prohibition Orders.....	31
Registration of Food Business.....	32
Food Act 2008 – Institution of Proceedings	33

BUILDING	38
Authorised Building Officer	38
Signs & Hoardings	39
Buildings – Grant or Refusal of Building Permits	40
Buildings – Grant or Refusal of Demolition Permits	41
Buildings – Further Grounds for Not Granting an Application	42
Buildings – Grant of Occupancy Permit, Building Approval Certificate	43
Buildings – Building Orders	44
Buildings – Prosecutions	45
Buildings – Revoke Building Orders	46
BUSH FIRES	47
Prohibited Burning Times - Vary	47
Restricted Burning Times - Vary	48
Request to FES Commissioner – Control of a Fire	49
Give written notice of Fire Management Requirements	50
Appoint Bush Fire Control Officer/s and Fire Weather Officer	51
Control of Activities during Prohibited & Restricted Burning Times.....	52
Control and Extinguishment of Bush Fires.....	54
Control of Operations likely to create Bush Fire Danger	55
Burning Garden Refuse / Open Air Fires	56
Recovery of Expenses	58
Prosecution of Offences	59
OTHER	60
Proceedings under the Dog Act s10AA	60
Mining Tenements	61
Issuing of Licenses, Approvals & Permits – Local Laws	62
Amusements.....	63
Proceedings under the Cat Act.....	64

ADMINISTRATION

DELEGATION NUMBER	-	A01
DELEGATION SUBJECT	-	Tenders
LEGISLATIVE POWER	-	Local Government Act 1995 (Sections 5.42/5.43(b)) Local Government (Functions and General) Regulations 1996 – Reg. 11-24
DELEGATE	-	Chief Executive Officer
CROSS REFERENCE		Policy 3.11 Tenders Selection Criteria

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to set selection criteria (Reg 14(2a)) in accordance with Council Policy 3.11 and to invite tenders as per section 3.57 of the *Local Government Act 1995* and Part 4 of the *Local Government (Functions and General) Regulations 1996* provided that appropriate provision has been made in the Shire's budget.

DELEGATION BY CEO

The Chief Executive Officer in exercising authority under section 5.44 of the *Local Government Act 1995*, has delegated this power to the Manager Infrastructure Services and the Deputy Chief Executive Officer.

NOTE: *Delegation A01 amended Motion 11548 19 December 2012 Ordinary Meeting*

- DELEGATION NUMBER** - **A02**
- DELEGATION SUBJECT - Native Title
- LEGISLATIVE POWER - Local Government Act 1995 (Section 5.42)
- DELEGATE - Chief Executive Officer

CROSS REFERENCE

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to register an interest in any Native Title Claim affecting the Shire in order for the Shire to become a party to the Native Title Application.

DELEGATION BY THE CEO

Not applicable

DELEGATION NUMBER	-	A03
DELEGATION SUBJECT	-	Power to Remove & Impound Goods
LEGISLATIVE POWER	-	Local Government Act 1995, s3.39, s3.40A, s3.42, s3.44, s3.46, s3.48
DELEGATE	-	Chief Executive Officer
CROSS REFERENCE		Authorised Officers (s3.39)

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to:

1. Authorise an employee in accordance with s3.39 and 3.40A to remove and impound goods that are involved in a contravention that can lead to impounding.
2. Take appropriate action in respect to impounded non-perishable goods in accordance with Section 3.42;
3. Give notice in accordance with Section 3.44 to collect goods;
4. Refuse to allow goods to be collected until all costs have been paid in accordance with Section 3.46; and,
5. Take action to recover expenses in accordance with Section 3.48.

DELEGATION BY CEO

The Chief Executive Officer in exercising authority under section 5.44 of the Local Government Act 1995, has delegated this power to the Shire's Deputy Chief Executive Officer and Environmental Health Officer.

- DELEGATION NUMBER** - **A04**
- DELEGATION SUBJECT - Disposing of Confiscated or Uncollected Goods
- LEGISLATIVE POWER - Local Government Act 1995, s3.47 & s3.58
- DELEGATE - Chief Executive Officer

CROSS REFERENCE

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to dispose of, in accordance with s3.58, any vehicles, animals or goods that have been impounded/seized/confiscated under the provisions of Section 3.47.

In disposing said goods by way of auction or after calling public tenders in accordance with Part 4 of the Local Government (Functions and General) Regulations. The Chief Executive Officer is authorised pursuant to Section 5.43 (b) of the Local Government Act 1995 to accept any offer or tender up to the value of \$5,000. Offers or tenders for amounts exceeding \$5,000 shall be referred to the Council for consideration.

DELEGATION BY CEO

The Chief Executive Officer in exercising authority under section 5.44 of the Local Government Act 1995, has delegated this power to the Deputy Chief Executive Officer.

- DELEGATION NUMBER** - **A05**
- DELEGATION SUBJECT - Acting Chief Executive Officer
- LEGISLATIVE POWER - Local Government Act 1995, s5.36 (1)(a)
- DELEGATE - Chief Executive Officer

CROSS REFERENCE

FUNCTION TO BE PERFORMED

During un-scheduled absences of the Chief Executive Officer, the Chief Executive Officer is delegated authority to appoint one of Council's Senior Officers, being the Deputy Chief Executive Officer, the Manager Infrastructure Services, or the Manager Corporate Services to act as Chief Executive Officer in accordance with the terms of his/her contract.

DELEGATION BY CEO

Not applicable

NOTE: *During scheduled absences of the Chief Executive Officer, the Chief Executive Officer is to recommend to Council to appoint a senior employee of the Shire's staff to act in the capacity of Chief Executive Officer.*

*NOTE: Delegation A05 repealed by **RESOLUTION 13382**, Ordinary Council Meeting Wednesday 24 March 2021, Item 14.4.6 – Adoption of Policy on Appointing an Acting Chief Executive Officer (Policy 4.14-Senior Employees and Acting Chief Executive Officer Appointments) (Moved: Cr Chappell; Seconded: Cr Clarke – **Carried by Absolute Majority 8/0**)*

DELEGATION NUMBER	-	A06
DELEGATION SUBJECT	-	Power of Entry
LEGISLATIVE POWER	-	Local Government Act 1995, s3.28 to s3.36 (Inclusive)
DELEGATE	-	Chief Executive Officer
CROSS REFERENCE		Authorised Officers

FUNCTION TO BE PERFORMED

1. The Chief Executive Officer is delegated authority to exercise powers of entry to enter land to perform any of the Local Government functions under this Act, other than entry under a Local Law.
2. The Chief Executive Officer is delegated authority to give notice of entry.
3. The Chief Executive Officer is delegated authority to seek and execute an entry under warrant.
4. The Chief Executive Officer is delegated authority to execute entry in an emergency using such force as is reasonable.
5. The Chief Executive Officer is delegated authority to give notice and effect entry by opening a fence.

DELEGATION BY CEO

The Chief Executive Officer in exercising authority under section 3.28 to section 3.36 (Inclusive) of the Local Government Act 1995, has delegated this power to the Manager Infrastructure Services, the Environmental Health Officer, the Deputy Chief Executive Officer and Building Officer.

- DELEGATION NUMBER** - **A07**
- DELEGATION SUBJECT** - Legal Representation Cost Indemnification – incurring of cost
- LEGISLATIVE POWER** - Local Government Act 1995 (Section 5.42)
- DELEGATE** - Chief Executive Officer
- CROSS REFERENCE** Policy 1.9
- FUNCTION TO BE PERFORMED**

The Chief Executive Officer is delegated authority to incur expense under Shire policy 1.9 - Legal Representation Cost Indemnification, clause 5.1 and or 5.2, up to the value of \$10,000.

Details and reasons for any cost so incurred under this delegation are to be reported to Council at its next Ordinary Meeting.

DELEGATION BY CEO

Not applicable

FINANCE

DELEGATION NUMBER - F01

DELEGATION SUBJECT - Donations

LEGISLATIVE POWER - Local Government Act 1995 (Section 5.42)

DELEGATE - Chief Executive Officer

CROSS REFERENCE

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to determine requests for a donation, from Council's budgeted Donations account, of monies up to the value of \$500.00 when a group or individual can demonstrate:

1. Significant direct benefit to the local community;
2. That the group is an incorporated community group or non-profit making organisation;
3. That the group's financial status is such as to justify a donation and the Shire has previously recognised the group as deserving of assistance; and,
4. That available funding exists in the Shire's budget.

DELEGATION BY CEO

Not applicable

DELEGATION NUMBER - F02

DELEGATION SUBJECT - Creditors, Payment of

LEGISLATIVE POWER - Local Government Act 1995, s6.10

Local Government (Financial Management)
Regulations 1996 – Reg12

DELEGATE - Chief Executive Officer

CROSS REFERENCE

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to make payments from the Municipal Fund and the Trust Fund. Each payment from the Municipal Fund and the Trust Fund is to be noted on a list compiled for each month showing:

- a) The payee's name;
- b) The amount of the payment;
- c) The date of the payment; and,
- d) Sufficient information to identify the transaction.

The list referred to above is to be presented at the next ordinary meeting of the Council.

DELEGATION BY CEO

The Chief Executive Officer in exercising authority under section 5.44 of the Local Government Act 1995, has delegated this power to the Deputy Chief Executive Officer, Manager Infrastructure Services, Manager Corporate Services and Finance Officers.

NOTE: *Delegation F02 amended Motion 12173 18 November 2015 Ordinary Meeting.
Delegation F02 amended Motion 12339 on 24 August 2016 Ordinary Meeting.*

DELEGATION NUMBER - F03

DELEGATION SUBJECT - Insurance - Public Liability Claims

LEGISLATIVE POWER - Local Government Act 1995 (Section 5.42)

DELEGATE - Chief Executive Officer

CROSS REFERENCE

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to determine recommendations from its insurers to accept or deny liability on behalf of the Shire, for public liability claims against the Shire in respect to property damage provided that the amount does not exceed the insurance policy excess levels.

In cases where liability is accepted, payment may only be made up to the value of the Shire's relevant insurance excess amount and then only upon receipt of an appropriate release form prepared by the Shire's Solicitors.

DELEGATION BY CEO

The Chief Executive Officer in exercising authority under section 5.44 of the Local Government Act 1995, has delegated this power to the Deputy Chief Executive Officer and Manager Corporate Services.

DELEGATION NUMBER - F04

DELEGATION SUBJECT - Disposal of Council Property

LEGISLATIVE POWER - Local Government Act 1995, s3.58

DELEGATE - Chief Executive Officer

CROSS REFERENCE

FUNCTION TO BE PERFORMED

- The Chief Executive Officer is delegated authority to dispose of property to the highest bidder, at public auction, public tender or by private treaty subject to the following limits:
Land – to a value of \$5,000 in accordance with Local Government (Functions and General) Regulations – Reg 30(2)(a) & (c);
- Other – to a value of \$20,000 in accordance with Local Government (Functions and General) Regulations – Reg 30(3).

DELEGATION BY CEO

The Chief Executive Officer in exercising authority under section 5.44 of the Local Government Act 1995, has delegated this power to the Deputy Chief Executive Officer.

DELEGATION NUMBER - F07

DELEGATION SUBJECT - Power to Invest and Manage Investments

LEGISLATIVE POWER - Local Government Act 1995, s6.14
Local Government (Financial Management)
Regulations 1996 – Reg 19

DELEGATE - Chief Executive Officer

CROSS REFERENCE Shire Policy 3.5 - Investments

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to invest money held in the Municipal Fund and Trust Fund that is not, for the time being, required for any other purpose.

In exercising this delegated authority the Chief Executive Officer shall observe Section 6.14 of the Act, and Regulations 19 and 19C of the Financial Management Regulations and Shire Policy 3.5.

The control procedures are to enable the identification of:

- a) The nature and location of all investments; and,
- b) The transactions related to each investment.

DELEGATION BY CEO

The Chief Executive Officer in exercising authority under section 5.44 of the Local Government Act 1995, has delegated this power to the Deputy Chief Executive Officer and Manager Corporate Services.

DELEGATION NUMBER - F08

DELEGATION SUBJECT - Write-off / Waive Small Fees or Debts

LEGISLATIVE POWER - Local Government Act 1995, s6.12 (1)(b) & (c)

DELEGATE - Chief Executive Officer

CROSS REFERENCE

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to write off small balances under \$50.00 from rates assessments and sundry debtor accounts (refer Motion 10611 28 May 2008 Ordinary Meeting) as per Section 6.12.1 (c) of the Local Government Act 1995.

Section 42(2)(d) of the Local Government (Financial Management) Regulations 1996 states that the annual financial report is to include the total amount of money written off.

DELEGATION BY CEO

The Chief Executive Officer in exercising authority under section 5.44 of the Local Government Act 1995, has delegated this power to the Deputy Chief Executive Officer and Manager Corporate Services.

DELEGATION NUMBER - F09

DELEGATION SUBJECT - Recovery of Unpaid Debtors

LEGISLATIVE POWER - Local Government Act 1995, s6.55 & s6.56

DELEGATE - Chief Executive Officer

CROSS REFERENCE

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to recover outstanding rates and service charges and take the legal action necessary for recovery in accordance with the provisions of Part 6, subdivisions 5 and 6 of the Local Government Act 1995.

DELEGATION BY CEO

The Chief Executive Officer in exercising authority under section 5.44 of the Local Government Act 1995 has delegated this power to the Manager Corporate Services and Finance Officer.

PLANNING

DELEGATION NUMBER - P01

DELEGATION SUBJECT - Planning Determinations

LEGISLATIVE POWER - Planning and Development Act 2005
Local Planning Scheme No. 4 District Zoning Scheme

DELEGATE - Chief Executive Officer

CROSS REFERENCE

FUNCTION TO BE PERFORMED

The Chief Executive Officer, is delegated authority to approve applications for development approval made under Shire of Lake Grace Local Planning Scheme No. 4 (the Scheme), with or without conditions for those uses and any associated works listed in the Zoning Table, as being permitted within the relevant zone, provided any proposal satisfies the specific standards and requirements set out in the Shire's local planning scheme any associated local planning polices and the deemed provisions.

The Chief Executive Officer, is delegated authority in accordance with section 6 of the Planning and Development Act 2005, to approve development for land Reserved for Recreational or Public Purposes subject to the reserve being managed or vested with the Shire of Lake Grace, the works being consistent with the purpose of the reserve and the value of works not exceeding \$150,000.

NOTE:

This is subject to the Chief Executive Officer having no vested interest in the proposal.

In circumstances where an application is not supported despite being permitted and compliant with the Shire's scheme and policy requirements, any proposal to refuse that application would still need to be presented to Council for final determination

DELEGATION BY CEO

Not Applicable

NOTE: *Delegation P01 amended Motion 10369 21 August 2019 Ordinary Meeting*

PROPERTIES

DELEGATION NUMBER - PR01

DELEGATION SUBJECT - Consumption of Liquor on Shire Property

LEGISLATIVE POWER - Local Government Act 1995 (Section 5.42)

DELEGATE - Chief Executive Officer

CROSS REFERENCE

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to approve applications to consume liquor on property under the care, control and management of the Shire.

In exercising this delegation, the Chief Executive Officer shall have regard to the provisions of the appropriate State Legislation regarding consumption and sale of liquor and shall, when appropriate, consult with local Police.

DELEGATION BY CEO

The Chief Executive Officer in exercising authority under section 5.44 of the Local Government Act 1995, has delegated this power to the Deputy Chief Executive Officer.

NOTE: *In exercising this authority, due consideration must be given to the requirements of the Shire of Lake Grace Local Government Property Local Law.*

DELEGATION NUMBER - PR02

DELEGATION SUBJECT - Authority to Issue s39 & s40 Certificates

LEGISLATIVE POWER - Liquor Licensing Act 1988 s39 & s40

DELEGATE - Chief Executive Officer

CROSS REFERENCE

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to issue s39 and s40 Certificates under the Liquor Licensing Act 1988.

DELEGATION BY CEO

The Chief Executive Officer in exercising authority under s39 of the Liquor Licensing Act 1988 has delegated this power to the Environmental Health Officer.

DELEGATION NUMBER - PR03

DELEGATION SUBJECT - Notice Requiring Certain Things to be done by the Owner or Occupier of Land

LEGISLATIVE POWER - Local Government Act 1995, s3.25

DELEGATE - Chief Executive Officer

CROSS REFERENCE

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to exercise the power under s3.25 (1) of the Local Government Act 1995, to give an owner or occupier a notice requiring them to do something to the land if it is specified in Schedule 3.1 of the Act. The Chief Executive Officer must inform the owner if the occupier is not the owner.

DELEGATION BY CEO

Not Applicable

ENGINEERING

DELEGATION NUMBER - E01

DELEGATION SUBJECT - Road Trains & Extra Mass Permits

LEGISLATIVE POWER - Local Government Act 1995 (Section 5.42)

DELEGATE - Chief Executive Officer

CROSS REFERENCE

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to determine any application recommending approval or refusal, with or without conditions, for referral to Main Roads WA to use road trains and for extra mass permits on any local road within the district. The Chief Executive Officer shall have regard to any Shire policy on the issue that may be established from time to time.

DELEGATION BY CEO

The Chief Executive Officer in exercising authority under section 5.44 of the Local Government Act 1995, has delegated this power to the Manager Infrastructure Services.

- DELEGATION NUMBER** - **E02**
- DELEGATION SUBJECT** - Temporary Closure of Thoroughfares to Vehicles
- LEGISLATIVE POWER** - Local Government Act 1995, s3.50 & s3.50A
Local Government (Functions and General) Regulations 1996 – Part 2 – Thoroughfares
Road Traffic Act 1974, s92 & s81D
- DELEGATE** - Chief Executive Officer

CROSS REFERENCE

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority;

1. To Close any thoroughfare, wholly or partially, for a period of up to 4 weeks after giving local public notice of the intention to do so; and
2. To close a thoroughfare managed by the Shire (wholly or partially) to vehicles for a period of more than 4 weeks, but not exceeding 3 months, after giving local public notice of the intention to do so and allowing submission to be made and considered.

The Chief Executive Officer, in exercising this delegated authority, shall observe the requirements of Section 3.50 of the Local Government Act.

Any proposal to close a thoroughfare for any period exceeding 3 months shall be referred to Council for determination.

DELEGATION BY CEO

The Chief Executive Officer in exercising authority under section 5.44 of the Local Government Act 1995, has delegated this power to the Manager Infrastructure Services.

DELEGATION NUMBER - E03

DELEGATION SUBJECT - Events on Roads

LEGISLATIVE POWER - Local Government Act 1995, s3.50
Road Traffic (Events on Roads) Regulations
1991
Activities on Thoroughfares and Trading in
Public Places Local Law

DELEGATE - Chief Executive Officer

CROSS REFERENCE

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to determine applications for the temporary closure of roads for the purpose of conducting events in accordance with the Road Traffic (Events on Roads) Regulations 1991.

The Chief Executive Officer shall have regard to Section 3.50 of the Local Government Act 1995.

DELEGATION BY CEO

The Chief Executive Officer in exercising authority under section 3.50 of the Local Government Act 1995, has delegated this power to the Manager Infrastructure Services.

DELEGATION NUMBER - E04

DELEGATION SUBJECT - Gates Across Public Thoroughfare

LEGISLATIVE POWER - Local Government Act 1995, Schedule 9.1,
Clause 5(1)
Local Government (Uniform Local Provisions)
Regulations 1996

DELEGATE - Chief Executive Officer

CROSS REFERENCE

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to determine applications for permission to erect gates or other devices across public thoroughfares under Shire control or management to enable traffic to pass across the public thoroughfare and prevent livestock from straying. This authority relates to all of the provisions of Regulation 9, Local Government (Uniform Local Provisions) Regulations 1996.

DELEGATION BY CEO

The Chief Executive Officer in exercising authority under section 5.44 of the Local Government Act 1995, has delegated this power to the Manager Infrastructure Services.

DELEGATION NUMBER - E05

DELEGATION SUBJECT - Street Trees - Removal

LEGISLATIVE POWER - Local Government Act 1995 (Section 5.42)

DELEGATE - Chief Executive Officer

CROSS REFERENCE

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to authorise the removal of any tree on any townsite street or road reserve where the street or road is under the care, control and management of the Shire. This delegated authority shall only be exercised when the Chief Executive Officer, after obtaining technical advice when appropriate, is of the opinion that the tree is dead, diseased, and structurally dangerous or is creating a traffic hazard by restricting the vision of motorists.

DELEGATION BY CEO

The Chief Executive Officer in exercising authority under section 5.44 of the Local Government Act 1995, has delegated this power to the Manager Infrastructure Services.

DELEGATION NUMBER - E07

DELEGATION SUBJECT - Crossovers and Access

LEGISLATIVE POWER - Local Government Act 1995, Schedule 9.1, Clause 7 Local Government (Uniform Local Provisions) Regulations 1996 Regs 12 to 16 (Inclusive)

DELEGATE - Chief Executive Officer

CROSS REFERENCE Policy 5.6 Property Access and Crossovers

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to determine applications for the construction of a crossing giving access from a public thoroughfare to private land or a private thoroughfare serving the land and may agree to construct the crossing for the applicant subject to Council policy.

The Chief Executive Officer is delegated authority to give notice to an owner or occupier of private land requiring the person to construct or repair or remove a crossing from a public thoroughfare to the land or a private thoroughfare serving the land in accordance with the provisions of Schedule 9 Clause 7 of the Act.

The Chief Executive Officer is delegated authority to initiate works to construct or repair the 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.

This delegated authority relates to all of the provisions of Local Government (Uniform Local Provisions) Regulations 1996; Regulation numbers 12 to 16.

DELEGATION BY CEO

The Chief Executive Officer in exercising authority under section 5.44 of the Local Government Act 1995, has delegated this power to the Manager Infrastructure Services.

DELEGATION NUMBER - E08

DELEGATION SUBJECT - Public Thoroughfares – Fixing or Altering Levels or Alignments or Drainage onto Adjoining Land

LEGISLATIVE POWER - Local Government Act 1995, s3.51

DELEGATE - Chief Executive Officer

CROSS REFERENCE

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to give the required notices as specified in Section 3.51(3) and (4) before fixing or altering the level of, or the alignment of a public thoroughfare and before draining water from a public thoroughfare or other public place onto adjoining land.

The Chief Executive Officer is delegated authority to consider submissions received in respect to proposed public works and proceed with the proposal where no objection is received.

DELEGATION BY CEO

The Chief Executive Officer in exercising authority under section 5.31 of the Local Government Act 1995, has delegated this power to the Manager Infrastructure Services.

HEALTH

DELEGATION NUMBER	- H01
DELEGATION SUBJECT	- Powers of Local Government - (Deputy)
LEGISLATIVE POWER	- Health (Miscellaneous Provisions) Act 1911; s26 Local government may appoint persons to be its 'deputy' to exercise and discharge all or any of the powers and functions of the local government.
DELEGATE	- Chief Executive Officer Environmental Health Officer

CROSS REFERENCE

FUNCTION TO BE PERFORMED

In accordance with the provisions of Section 26 of the Health (Miscellaneous Provisions) Act 1911, the Chief Executive Officer and Environmental Health Officer are authorised to be the Shire's 'Deputy' as defined to exercise and discharge the following powers and functions under this Act and to:

1. Issue such Health (Miscellaneous Provisions) Act 1911 and Health Local Laws notices and orders as appropriate;
2. Determine applications for licenses in accordance with the Health (Miscellaneous Provisions) Act 1911 and Health Local Laws; and,
3. Discharge the functions of Regulations 4 and 10 of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.

DELEGATION BY CEO

Not applicable

DELEGATION NUMBER - H02

DELEGATION SUBJECT - Prohibition Orders

LEGISLATIVE POWER - Food Act 2008: s118 (2) (b), Local government (enforcement agency) may delegate a function conferred on it, s118(3) Delegation subject to conditions (s119) and guidelines adopted (s120), s118(4) Sub-delegation only permissible if expressly provided in regulations

DELEGATE - Chief Executive Officer

CROSS REFERENCE

FUNCTION TO BE PERFORMED

In accordance with provisions of the Food Act 2008, s65(1) - Prohibition Orders, s66 - Certificate of Clearance and s67(4) - Request for Re-Inspection the Chief Executive Officer is delegated authority to:

1. Serve a prohibition order on the proprietor of a food business in accordance with s65 of the Food Act 2008;
2. Give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any improvement notices; and,
3. 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.

DELEGATION BY CEO

Not applicable

DELEGATION NUMBER - H03

DELEGATION SUBJECT - Registration of Food Business

LEGISLATIVE POWER - Food Act 2008: Food Act 2008 s118(2)(b) Local government (enforcement agency) may delegate a function conferred on it, s118(3) Delegation subject to conditions (s119) and guidelines adopted (s120), s118(4) Sub-delegation only permissible if expressly provided in regulations

DELEGATE - Chief Executive Officer
- Environmental Health Officer

CROSS REFERENCE

FUNCTION TO BE PERFORMED

In accordance with provisions of the Food Act 2008, s110(1) and (5) - Registration of food business and s112 - Variation of conditions or cancellation of registration of food businesses the Chief Executive Officer and Environmental Health Officer are delegated authority to:

1. Register a food business in respect of any premises for the purposes of Part 9 of the Food Act 2008 and issue a certificate of registration;
2. After considering an application, determine to grant (with or without conditions) or refuse the application; and,
3. Vary the conditions or cancel the registration of a food business in respect of any premises under Part 9 of the Food Act 2008.

DELEGATION BY CEO

Not applicable

- DELEGATION NUMBER** - **H04**
- DELEGATION SUBJECT - Food Act 2008 – Institution of Proceedings
- LEGISLATIVE POWER - Food Act 2008: s118(2)(b) Local government (enforcement agency) may delegate a function conferred on it, s118(3) Delegation subject to conditions (s119) and guidelines adopted (s120), s118(4) Sub-delegation only permissible if expressly provided in regulations
- DELEGATE - Chief Executive Officer

CROSS REFERENCE Authorised Officers – Infringement Notices

FUNCTION TO BE PERFORMED

In accordance with provisions of the Food Act 2008, s125 the Chief Executive Officer is delegated authority to institute proceedings for an offence under the Food Act 2008s

DELEGATION BY CEO

Not applicable

NOTE: *It is important to note that there is no power to sub-delegate s118(2), (3) and (4) conferred.*

DELEGATION NUMBER	- H05
DELEGATION SUBJECT	- Designation of Authorised Officers
LEGISLATIVE POWER	- <i>Public Health Act 2016</i> : s21, Local government (enforcement agency) may delegate a function conferred on it
DELEGATE	- Chief Executive Officer

CROSS REFERENCE

FUNCTION TO BE PERFORMED

In accordance with provisions of the *Public Health Act 2016*, s24 the Chief Executive Officer is delegated authority to designate:

1. persons to undertake the functions of the enforcement agency under the *Public Health Act 2016*, s19;
2. a person or class of persons as Authorised Officers for the purposes of the *Public Health Act 2016*, s24 subject to the provisions of the *Public Health Act 2016*, s25.

DELEGATION BY CEO

Not applicable

- DELEGATION NUMBER** - **H06**
- DELEGATION SUBJECT** - Infringement Notices (Asbestos)
- LEGISLATIVE POWER** - *Health (Asbestos) Regulations 1992*; Regulation 15D(7), Local government may delegate a power or duty conferred or imposed on it by this regulation to the Chief Executive Officer of the local government
- DELEGATE** - Chief Executive Officer

CROSS REFERENCE

FUNCTION TO BE PERFORMED

In accordance with provisions of the *Health (Asbestos) Regulations 1992*, Regulation 15D(5), the Chief Executive Officer is delegated authority to appoint a person or classes of persons as:

1. Authorised officers for the purposes of issuing Infringement Notices under the *Criminal Procedure Act 2004* Part 2 for the offences specified under Schedule 1 of the *Health (Asbestos) Regulations 1992*; and
2. Approved officers for the purposes of the *Criminal Procedure Act 2004* Part 2 to extend the period to pay a modified penalty or withdraw an Infringement Notice.

DELEGATION BY CEO

Not applicable

- DELEGATION NUMBER** - **H07**
- DELEGATION SUBJECT** - Appoint Authorised Officers and Designated Officers
- LEGISLATIVE POWER** - *Food Act 2008*: s118(2)(b) Local government (enforcement agency) may delegate a function conferred on it, s118(3) Delegation subject to conditions (s119) and guidelines adopted (s120), s118(4) Sub-delegation only permissible if expressly provided in regulations
- DELEGATE** - Chief Executive Officer

CROSS REFERENCE

FUNCTION TO BE PERFORMED

In accordance with provisions of the *Food Act 2008*, s122(1) and s126(3), (6), (7) and (13) the Chief Executive Officer is delegated authority to appoint:

1. persons to undertake the functions of the enforcement agency under the *Food Act 2008*, s118(1);
2. a person to be an Authorised Officer for the purposes of the *Food Act 2008*, s122(1);
3. an Authorised Officer appointed under the *Food Act 2008*, s122(1) or the *Public Health Act 2016*, to be a Designated Officer for the purposes of issuing Infringement Notices under the *Food Act 2008*, s126(13);
4. an Authorised Officer to be a Designated Officer (who is prohibited by the *Food Act 2008*, s126(13) from also being a Designated Officer for the purpose of issuing Infringement Notices), for the purpose of extending the time for payment of modified penalties under the *Food Act 2008*, s126(6) and determining withdrawal of an Infringement Notice under the *Food Act 2008*, s126(7); and
5. an Authorised Officer to be a Designated Officer for the purposes of receiving payment of a modified penalty in accordance with the *Food Act 2008*, s126(3).

DELEGATION BY CEO

Not applicable

DELEGATION NUMBER	- H08
DELEGATION SUBJECT	- Appointment of Authorised Persons
LEGISLATIVE POWER	- <i>Caravan Parks and Camping Grounds Act 1995: s17(1)</i> Local government may appoint such persons to be authorised persons for the purposes of this Act as the local government considers necessary
DELEGATE	- As listed below

CROSS REFERENCE

FUNCTION TO BE PERFORMED

In accordance with provisions of the *Caravan Parks and Camping Grounds Act 1995*, s17(1) the following persons are appointed as Authorised Officers:

1. For the purposes of Division 1 of Part 2 – Regulation of caravan parks and camping grounds
Chief Executive Officer
Environmental Health Officers
Building Surveyors (where employees of the Local Government)
2. For the purposes of s.18 – Powers of entry
Chief Executive Officer
Environmental Health Officers
Rangers
Building Surveyors (where employees of the Local Government)
3. For the purposes of s.22(1) – Legal Proceedings
Chief Executive Officer
4. For the purposes of s.23(2) – Issue an Infringement Notice
Environmental Health Officers
Rangers
Building Surveyors (where employees of the Local Government)
5. For the purposes of s.23(5) – Extend the period the modified penalty is to be paid and s23(7) – Withdraw an Infringement Notice
Chief Executive Officer

DELEGATION BY CEO

Not applicable

BUILDING

DELEGATION NUMBER - **B01**

DELEGATION SUBJECT - Authorised Building Officer

LEGISLATIVE POWER - Building Act 2011 –s96(3) and s127

DELEGATE - Chief Executive Officer

CROSS REFERENCE Authorised Officers – Buildings Act s96(3)

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority pursuant to the Building Act 2011 - s127 to exercise the local government's powers and the discharge of any of its duties.

DELEGATION BY CEO

Not applicable

NOTE: *The Chief Executive Officer, under s5.36 of the Local Government Act, is to engage a suitably qualified person and under s96(3) of the Building Act, Council may designate that person to be an authorised officer.*

DELEGATION NUMBER - B02

DELEGATION SUBJECT - Signs & Hoardings

LEGISLATIVE POWER - Local Government Act 1995 (section 5.42)

DELEGATE - Chief Executive Officer

CROSS REFERENCE

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to approve the erection and where appropriate the licensing of signs and hoardings that comply with the Local Planning Scheme and the Local Laws of the Shire, and where an application does not comply with the Scheme or the Local Laws of the Shire, the application is to be refused.

DELEGATION BY CEO

The Chief Executive Officer in exercising authority under section 5.44 of the Local Government Act 1995, has delegated this power to the Shire's Building Officer.

DELEGATION NUMBER - B03

DELEGATION SUBJECT - Buildings – Grant or Refusal of Building Permits

LEGISLATIVE POWER - Building Act 2011, s20, s127

DELEGATE - Chief Executive Officer

CROSS REFERENCE

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to grant or refuse building permits, subject to the provisions of Section 20 Building Act 2011.

DELEGATION BY CEO

Building Surveyor (If an employee of the Shire of Lake Grace)

An officer must have the prescribed qualifications to be delegated authority to approve or refuse plans of buildings or unauthorised building works.

DELEGATION NUMBER - B04

DELEGATION SUBJECT - Buildings – Grant or Refusal of Demolition Permits

LEGISLATIVE POWER - Building Act 2011, s21, s127

DELEGATE - Chief Executive Officer

CROSS REFERENCE

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to grant or refuse demolition permits, subject to the provisions of Section 21 Building Act 2011.

Any buildings or structure on the Shire of Lake Grace Municipal Inventory is to be referred to Council for decision.

DELEGATION BY CEO

Building Surveyor (If an employee of the Shire of Lake Grace)

An officer must have the prescribed qualifications to be delegated authority to approve or refuse plans of buildings or unauthorised building works.

DELEGATION NUMBER - B05

DELEGATION SUBJECT - Buildings – Further Grounds for Not Granting an Application

LEGISLATIVE POWER - Building Act 2011, s22, s127

DELEGATE - Chief Executive Officer

CROSS REFERENCE

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to refuse building or demolition permits due to errors in information or documentation submitted, subject to the provisions of Section 22 Building Act 2011.

DELEGATION BY CEO

Building Surveyor (If an employee of the Shire of Lake Grace)

An officer must have the prescribed qualifications to be delegated authority to approve or refuse plans of buildings or unauthorised building works.

DELEGATION NUMBER - B06

DELEGATION SUBJECT - Buildings – Grant of Occupancy Permit,
Building Approval Certificate

LEGISLATIVE POWER - Building Act 2011, s58, s127

DELEGATE - Chief Executive Officer

CROSS REFERENCE

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to grant, modify or refuse Occupancy Permits or Building Approval Certificates, subject to the provisions of Section 58 Building Act 2011.

DELEGATION BY CEO

Building Surveyor (If an employee of the Shire of Lake Grace)

An officer must have the prescribed qualifications to be delegated authority to approve or refuse plans of buildings or unauthorised building works.

DELEGATION NUMBER - B07

DELEGATION SUBJECT - Buildings – Building Orders

LEGISLATIVE POWER - Building Act 2011, s110, s127

DELEGATE - Chief Executive Officer

CROSS REFERENCE

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to issue Building Orders in relation to:

- Stop Work, demolish/remove a building, alter a building or evacuate a building, where there is a contravention of a provision of the Act;
- Take a specific action to prevent contravention of the Act;
- Finish an outward facing side of a wall;
- Buildings which are considered as being unsafe or not fit for human habitation.

Subject to the provisions of the Building Act 2011.

DELEGATION BY CEO

Building Surveyor (If an employee of the Shire of Lake Grace)

An officer must have the prescribed qualifications to be delegated authority to approve or refuse plans of buildings or unauthorised building works.

DELEGATION NUMBER - B08

DELEGATION SUBJECT - Buildings – Prosecutions

LEGISLATIVE POWER - Building Act 2011, s133, s127

DELEGATE - Chief Executive Officer

CROSS REFERENCE

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to commence prosecution for an offence against this Act, subject to the provisions of the Building Act 2011.

DELEGATION BY CEO

Not Applicable

DELEGATION NUMBER - B09

DELEGATION SUBJECT - Buildings – Revoke Building Orders

LEGISLATIVE POWER - Building Act 2011, s117

DELEGATE - Chief Executive Officer

CROSS REFERENCE

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to Revoke Building Orders, subject to the provisions of the Building Act 2011.

DELEGATION BY CEO

Not Applicable

BUSH FIRES

DELEGATION NUMBER	-	BF01
DELEGATION SUBJECT	-	Prohibited Burning Times - Vary
LEGISLATIVE POWER	-	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government s.17(10) Prohibited burning times may be declared by Minister (power of delegation to mayor or president and Chief Bush Fire Control Officer for ONLY powers under s.17(7) and (8))
DELEGATE	-	Shire President and Chief Bush Fire Control Officer (Jointly)
CROSS REFERENCE		<i>Bush Fires Act 1954:</i> s.17(7) Prohibited burning times may be declared by Minister

FUNCTION TO BE PERFORMED

Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer [s.17(7)].

DELEGATION BY CEO

NIL – Sub-delegation is prohibited by s.48(3)

NOTES: **Resolution 13276** Ordinary Council Meeting 15 July 2020, Item 14.4.5 – Delegations of Powers under the Bush Fires Act 1954 to the Chief Executive Officer and Update the Delegations Registers.

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

DELEGATION NUMBER	-	BF02
DELEGATION SUBJECT	-	Restricted Burning Times - Vary
LEGISLATIVE POWER	-	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
DELEGATE	-	Chief Executive Officer
CROSS REFERENCE		<i>Bush Fires Act 1954:</i> s.18(5) Restricted burning times may be declared by FES Commissioner

FUNCTION TO BE PERFORMED

Authority, where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18 (5)].

DELEGATION BY CEO

NIL – Sub-delegation is prohibited by s.48(3)

NOTES: **Resolution 13276** Ordinary Council Meeting 15 July 2020, Item 14.4.5 – Delegations of Powers under the Bush Fires Act 1954 to the Chief Executive Officer and Update the Delegations Registers.

The decision to vary the Restricted Burning Times is to be made in consultation with the Chief Bush Fire Control Officer must comply with the procedural requirements of s.18 (5B) of the Act.

DELEGATION NUMBER	-	BF03
DELEGATION SUBJECT	-	Request to FES Commissioner – Control of a Fire
LEGISLATIVE POWER	-	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
DELEGATE	-	Chief Executive Officer
CROSS REFERENCE		<i>Bush Fires Act 1954:</i> s.13(4) Duties and powers of bush fire liaison officers

FUNCTION TO BE PERFORMED

Authority to request on behalf of the Shire of Lake Grace that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s.13(4)].

DELEGATION BY CEO

NIL – Sub-delegation is prohibited by s.48(3)

NOTES: **Resolution 13276** Ordinary Council Meeting 15 July 2020, Item 14.4.5 –

Delegations of Powers under the Bush Fires Act 1954 to the Chief Executive Officer and Update the Delegations Registers.

- a. The decision to make a request to the FES Commissioner is to be made in consultation with the Chief Bush Fire Control Officer and must comply with the procedural requirements of clause 4.9.2 of *State Hazard Plan – Fire*.

DELEGATION NUMBER	-	BF04
DELEGATION SUBJECT	-	Give written notice of Fire Management Requirements
LEGISLATIVE POWER	-	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
DELEGATE	-	Chief Executive Officer
CROSS REFERENCE		<i>Bush Fires Act 1954:</i> s.33 Local government may require occupier of land to plough or clear fire-breaks

FUNCTION TO BE PERFORMED

1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Shire of Lake Grace:
 - a. clearing of firebreaks as determined necessary and specified in the notice; and
 - b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and
 - c. as a separate or coordinated action with any other person carry out similar actions [s.33(1)].
2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)].
 - a. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].

DELEGATION BY CEO

NIL – Sub-delegation is prohibited by s.48(3)

NOTES: **Resolution 13276** Ordinary Council Meeting 15 July 2020, Item 14.4.5 – Delegations of Powers under the Bush Fires Act 1954 to the Chief Executive Officer and Update the Delegations Registers.

DELEGATION NUMBER	-	BF05
DELEGATION SUBJECT	-	Appoint Bush Fire Control Officer/s and Fire Weather Officer
LEGISLATIVE POWER	-	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
DELEGATE	-	Chief Executive Officer
CROSS REFERENCE		<i>Bush Fires Act 1954:</i> s.38 Local Government may appoint bush fire control officer

FUNCTION TO BE PERFORMED

1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and
 - a. Of those Officers, appoint one as the Chief Bush Fire Control Officer and one as the Deputy Chief Bush Fire Control Officer; and
 - b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38 (1)].
2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire of Lake Grace [s.38(5A)]
3. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38 (17). [s.38 (8) and (9)].
 - a. Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38 (10)].

DELEGATION BY CEO

NIL – Sub-delegation is prohibited by s.48(3)

NOTES: **Resolution 13276** Ordinary Council Meeting 15 July 2020, Item 14.4.5 – Delegations of Powers under the Bush Fires Act 1954 to the Chief Executive Officer and Update the Delegations Registers.

The nominations for Bush Fire Control Officers, Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer, and Fire Weather Officers tabled by the Bush Fire Advisory Committee shall be taken into consideration when appointing persons to these positions.

DELEGATION NUMBER	-	BF06
DELEGATION SUBJECT	-	Control of Activities during Prohibited & Restricted Burning Times
LEGISLATIVE POWER	-	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
DELEGATE	-	Chief Executive Officer
CROSS REFERENCE		<p><i>Bush Fires Act 1954:</i></p> <p>s.22(6) and (7) Burning on exempt land and land adjoining exempt land</p> <p>s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions</p> <p><i>Bush Fire Regulations 1954:</i></p> <p>r.15(2) Permit to burn (Act s.18), form of and apply for after refusal etc.</p> <p>r.15C Local Government may prohibit burning on certain days</p> <p>r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times</p> <p>r.39B Crop dusters etc., use of in restricted or prohibited burning times</p>

FUNCTION TO BE PERFORMED

1. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)].
2. Authority to prohibit the use of tractors, engines or self-propelled harvester, during Prohibited Burning Times or Restricted Burning Times, and to give permission for use of same subject to compliance with requirements specified in a notice [s.27(2) and (3)].
3. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15(2)].
4. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C].
5. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].
6. Authority to determine, during a Prohibited Burning Times or Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)].

7. Authority to issue directions, a during a Prohibited Burning Time or Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].

DELEGATION BY CEO

NIL – Sub-delegation is prohibited by s.48(3)

NOTES: **Resolution 13276** Ordinary Council Meeting 15 July 2020, Item 14.4.5 – Delegations of Powers under the Bush Fires Act 1954 to the Chief Executive Officer and Update the Delegations Registers.

DELEGATION NUMBER	-	BF07
DELEGATION SUBJECT	-	Control and Extinguishment of Bush Fires
LEGISLATIVE POWER	-	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
DELEGATE	-	Chief Executive Officer
CROSS REFERENCE		<i>Bush Fires Act 1954:</i> s.46 Bush fire control officer or forest officer may postpone lighting fire

FUNCTION TO BE PERFORMED

1. Authority to prohibit or postpone the lighting of a fire where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46(1A)(a)].
2. Authority to direct the owner or occupier of land on which a fire is burning where in the opinion of the Delegate the fire is in danger of escaping from that land to take all reasonable steps to extinguish the fire or to prevent the fire from spreading. [s.46(1A)(b)].
3. Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised CALM Act office is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)].

DELEGATION BY CEO

NIL – Sub-delegation is prohibited by s.48(3)

NOTES: **Resolution 13276** Ordinary Council Meeting 15 July 2020, Item 14.4.5 – Delegations of Powers under the Bush Fires Act 1954 to the Chief Executive Officer and Update the Delegations Registers.

DELEGATION NUMBER	- BF08
DELEGATION SUBJECT	- Control of Operations likely to create Bush Fire Danger
LEGISLATIVE POWER	- <i>Bush Fires Act 1954:</i> s.48 Delegation by local government
DELEGATE	- Chief Executive Officer
CROSS REFERENCE	<i>Bush Fires Act 1954:</i> s.27D Requirements for carriage and deposit of incendiary material <i>Bush Fires Regulations 1954:</i> r.39C Welding and cutting apparatus, use of in open air r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc. r.39D Explosives, use of r.39E Fireworks, use of

FUNCTION TO BE PERFORMED

1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from:
 - a. a person operating a bee smoker device during a prescribed period [r.39CA(5)].
 - b. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)].
 - c. a person using explosives [r.39D(2)].
 - d. a person using fireworks [r.39E(3)].
2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D]. *Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.*

DELEGATION BY CEO

NIL – Sub-delegation is prohibited by s.48(3)

NOTES: **Resolution 13276** Ordinary Council Meeting 15 July 2020, Item 14.4.5 – Delegations of Powers under the Bush Fires Act 1954 to the Chief Executive Officer and Update the Delegations Registers.

DELEGATION NUMBER	- BF09
DELEGATION SUBJECT	- Burning Garden Refuse / Open Air Fires
LEGISLATIVE POWER	- <i>Bush Fires Act 1954:</i> s.48 Delegation by local government
DELEGATE	- Chief Executive Officer
CROSS REFERENCE	<i>Bush Fires Act 1954:</i> s.24F Burning garden refuse during limited burning times s.24G Minister or local government may further restrict burning of garden refuse s.25 No fire to be lit in open air unless certain precautions taken s.25A Power of Minister to exempt from provisions of section 25 <i>Bush Fires Regulations 1954:</i> r.27(3) Permit, issue of

FUNCTION TO BE PERFORMED

1. Authority to give written permission, during prohibited burning times and restricted burning times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)].
2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2), (4) and (5)].
3. Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3) and r.33(5)].
4. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plant growing upon any land within the District [r.34].
5. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of:
 - a. camping or cooking [s.25(1)(a)].
 - b. conversion of bush into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)].
6. Authority to prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s.25(1a) and (1b)].
7. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)].

DELEGATION BY CEO

NIL – Sub-delegation is prohibited by s.48(3)

NOTES: **Resolution 13276** Ordinary Council Meeting 15 July 2020, Item 14.4.5 – Delegations of Powers under the Bush Fires Act 1954 to the Chief Executive Officer and Update the Delegations Registers.

DELEGATION NUMBER	-	BF10
DELEGATION SUBJECT	-	Recovery of Expenses
LEGISLATIVE POWER	-	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
DELEGATE	-	Chief Executive Officer
CROSS REFERENCE		<i>Bush Fires Act 1954:</i> s.18(11) Restricted burning times may be declared by FES Commissioner s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land s.58 General penalty and recovery of expenses incurred

FUNCTION TO BE PERFORMED

1. Authority, where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)].
2. Authority to recover the cost of measures taken by the Shire of Lake Grace or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].
3. Authority to recover expenses incurred as a result of an offence against the Bush Fires Act, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Shire of Lake Grace or those on behalf of the Shire of Lake Grace to do [s.58].

DELEGATION BY CEO

NIL – Sub-delegation is prohibited by s.48(3)

NOTES: **Resolution 13276** Ordinary Council Meeting 15 July 2020, Item 14.4.5 – Delegations of Powers under the Bush Fires Act 1954 to the Chief Executive Officer and Update the Delegations Registers.

DELEGATION NUMBER - BF11

DELEGATION SUBJECT - Prosecution of Offences

**LEGISLATIVE POWER - *Bush Fires Act 1954:*
s.48 Delegation by local government**

DELEGATE - Chief Executive Officer
Bush Fire Control Officers
Community Emergency Services Manager
Shire Rangers

**CROSS REFERENCE *Bush Fires Act 1954:*
s.59 Prosecution of offences
s.59A(2) Alternative procedure – infringement notices**

FUNCTION TO BE PERFORMED

1. Authority, where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)].
2. Authority to recover the cost of measures taken by the Shire of Lake Grace or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].
3. Authority to recover expenses incurred as a result of an offence against the Bush Fires Act, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Shire of Lake Grace or those on behalf of the Shire of Lake Grace to do [s.58].

DELEGATION BY CEO

NIL – Sub-delegation is prohibited by s.48(3)

NOTES: Resolution 13276 Ordinary Council Meeting 15 July 2020, Item 14.4.5 – Delegations of Powers under the Bush Fires Act 1954 to the Chief Executive Officer and Update the Delegations Registers.

Compliance Links: *Bush Fires Act 1954:*
s.65 Proof of certain matters
s.66 Proof of ownership or occupancy

OTHER

DELEGATION NUMBER	-	001
DELEGATION SUBJECT	-	Proceedings under the Dog Act s10AA
LEGISLATIVE POWER	-	Dog Act 1976
DELEGATE	-	Chief Executive Officer
CROSS REFERENCE		Dog Act (s29(1)) & Dogs Local Law – Authorised Officers

FUNCTION TO BE PERFORMED

In accordance with Section 10AA(1) of the Dog Act, the Chief Executive Officer is delegated authority to exercise the local government's powers and the discharge of its duties required for the Shire to fulfil its obligations under the Dog Act.

This delegation enables the Chief Executive Officer to issue infringement notices pursuant to the provisions of Section 29 of the Dog Act. Any requirement to initiate prosecution of an offence is to be referred to Council for approval.

DELEGATION BY CEO

The Chief Executive Officer, in exercising authority under section 10AA(3) of the Dog, Act, has delegated this power to the Deputy Chief Executive Officer and the Shire's Ranger.

(Note: the Council is to appoint Authorised Persons)

- DELEGATION NUMBER** - **002**
- DELEGATION SUBJECT - Mining Tenements
- LEGISLATIVE POWER - Local Government Act 1995 (Section 5.42)
- DELEGATE - Chief Executive Officer

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to lodge objections to the granting of mining tenements that may affect Shire property. The Chief Executive Officer is further delegated authority to negotiate/impose appropriate conditions to be applied to the granting of any mining tenement in order to protect the Shire's interest in that property.

DELEGATION BY CEO

The Chief Executive Officer in exercising authority under section 5.44 of the Local Government Act 1995, has delegated this power to the Deputy Chief Executive Officer and Manager Infrastructure Services.

DELEGATION NUMBER - **003**

DELEGATION SUBJECT - Issuing of Licenses, Approvals & Permits –
Local Laws

LEGISLATIVE POWER - Local Government Act 1995 s9.10

DELEGATE - Chief Executive Officer

CROSS REFERENCE Local Laws

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to determine applications for the issue and or renewal of licenses and permits that are provided for in the Council's Local Laws.

DELEGATION BY CEO

The Chief Executive Officer in exercising authority under section 5.44 of the Local Government Act 1995, has delegated this power to the Deputy Chief Executive Officer and the Manager Infrastructure Services.

DELEGATION NUMBER - **004**
DELEGATION SUBJECT - Amusements
LEGISLATIVE POWER - Local Government Act 1995 s9.10
DELEGATE - Chief Executive Officer
CROSS REFERENCE Local Government Property Local Law clause
3.13

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to determine applications for licenses for travelling fairs, circuses, sideshow and amusements under the Shire's Local Law relating to Amusements.

DELEGATION BY CEO

The Chief Executive Officer in exercising authority under section 5.44 of the *Local Government Act 1995*, has delegated this power to the Deputy Chief Executive Officer.

DELEGATION NUMBER - **O05**
DELEGATION SUBJECT - Proceedings under the Cat Act
LEGISLATIVE POWER - *Cat Act 2011*
DELEGATE - Chief Executive Officer
CROSS REFERENCE Cat Act s48(1) - Authorised Officers

FUNCTION TO BE PERFORMED

In accordance with Section 44 of the *Cat Act 2011*, the Chief Executive Officer is delegated authority to exercise the local government's powers and the discharge of any of its duties pursuant to the Act.

Further, in accordance with Section 45 of the *Cat Act 2011*, the Chief Executive Officer may delegate to any employee of the local government the exercise of any of the Chief Executive Officer's duties pursuant to this Act.

DELEGATION BY CEO

The Chief Executive Officer, in exercising authority under section 45 of the *Cat Act 2011*, has delegated this power to the Deputy Chief Executive Officer, Manager Infrastructure Services and the Shire's Ranger.

B

Delegations from Council to Committees

*Note: The Shire of Lake Grace has no
Committees with delegated authority*

C

Delegations from
Chief Executive Officer
to Other Employees

Delegations from Chief Executive Officer to Other Employees (Section 5.44)

Legislation	Subject	Delegate
Local Government Act 1995		
Section 5.5(1)	Convene ordinary meetings by giving notice of meeting and an agenda.	None
Section 5.5(2)	Convene special meetings by giving notice of meeting and purpose of meeting.	None
Section 5.12 (Schedule 2.3, Division 1)	Preside at committee meetings until office of presiding member is filled and conduct election of presiding member.	None
Section 5.29(1)	Convene electors' meeting by giving required notice.	None
Section 5.32	Cause minutes of Electors' Meeting to be kept and preserved and ensure minutes are available for inspection before the Council meeting at which decisions made at the electors' meeting are first considered.	None

Legislation	Subject	Delegate
Section 5.38	Review the performance of each employee who is employed for a term of more than one year at least once in relation to every year of the employment.	Deputy Chief Executive Officer Manager Infrastructure Services Manager Corporate Services
Section 5.41(a)	Advise the Council in relation to the functions of a local government under this Act and other written laws.	Deputy Chief Executive Officer Manager Corporate Services Manager Infrastructure Services Building Officer Environmental Health Officer
Section 5.41(b)	Ensure that advice and information is available to the Council so that informed decisions can be made.	Deputy Chief Executive Officer Manager Corporate Services Manager Infrastructure Services Building Officer Environmental Health Officer
Section 5.41(c)	Cause Council decisions to be implemented.	Deputy Chief Executive Officer Manager Corporate Services Manager Infrastructure Services Building Officer Environmental Health Officer

Legislation	Subject	Delegate
Local Government Act 1995		
Section 5.41(g)	Be responsible for the management, supervision and direction of other employees within their area of responsibility.	Deputy Chief Executive Officer Manager Infrastructure Services Manager Corporate Services
Section 5.41(h)	Ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law.	Deputy Chief Executive Officer Manager Corporate Services Manager Infrastructure Services Building Officer Environmental Health Officer
Section 5.46(1)	Keep a register of the delegations made to the Chief Executive Officer and to employees under Part 5, Division 4 of the Act.	Deputy Chief Executive Officer

Legislation	Subject	Delegate
Section 5.55	Give local public notice of availability of Annual Report as soon as practicable after the report has been accepted by Council.	Deputy Chief Executive Officer Manager Corporate Services
Section 5.66	Cause the written notice of any disclosures of financial interest received before a meeting to be given to the person who is to preside at the meeting.	None
Section 5.69(1)	Apply to the Minister to allow a disclosing member to participate in part of meeting relating to the matter.	None
Section 5.73	Record in the minutes of meetings, details of disclosures made under Section 5.65 or 5.70.	None
Section 5.77	Give a person written acknowledgment of having received a return under Section 5.75 or 5.76.	None
Section 5.88	Keep a register of financial interests as required by Section 5.88.	None
Section 5.92	Ensure that a Council member or a committee member has access to information that is relevant to the performance by the person or any of his or her functions under the Local Government Act or under any other written law.	Deputy Chief Executive Officer

Legislation	Subject	Delegate
Section 5.94	Ensure that any person attending the office during office hours, and free of charge inspect, subject to Section 5.95, the records specified in Section 5.94 whether or not current at the time of inspection.	Deputy Chief Executive Officer
Section 5.95(1)	Determine a person's right to inspect information referred to in Section 5.94 where a discretion is provided to the Chief Executive Officer.	Deputy Chief Executive Officer
Section 6.5	Ensure that there are kept, in accordance with Regulations, proper accounts and records of the transactions and affairs of the local government and keep the accounts and records up to date and ready for inspection at any time by persons authorised to do so under the Local Government Act or another written law.	Deputy Chief Executive Officer Manager Corporate Services
Section 9.29	Appoint an employee to represent the local government in legal proceedings either generally or in a particular case.	None
Section 9.31	Authorise an employee for the purpose of certifying a document to be a true copy.	Deputy Chief Executive Officer
Local Government (Functions and General) Regulations		
Regulation 16	Keep any tenders submitted in safe custody and ensure that all tenders remain confidential.	Deputy Chief Executive Officer Manager Infrastructure Services Manager Corporate Services

Legislation	Subject	Delegate
Regulation 17	Keep a tender register and make it available for public inspection.	Deputy Chief Executive Officer
Local Government (Financial Management) Regulations		
Regulation 5(1)	<p>Establish efficient systems and procedures -</p> <ul style="list-style-type: none"> a) for the proper collection of all money owing to the local government; b) for the safe custody and security of all money collected or held by the local government; c) for the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process); d) to ensure proper accounting for municipal or trust: <ul style="list-style-type: none"> (i) income received or receivable; (ii) expenses paid or payable; and (iii) assets and liabilities; e) to ensure proper authorisation for the incurring of liabilities and the making of payments; f) for the maintenance of payroll, stock control and costing records; and g) to assist in the preparation of budgets, accounts and reports required by the Act or these regulations. 	Deputy Chief Executive Officer Manager Corporate Services

Legislation	Subject	Delegate
Regulations 5(2)	Establish efficient systems and procedures to: <ul style="list-style-type: none"> a) ensure that the resources of the local government are effectively and efficiently managed; b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews. 	Deputy Chief Executive Officer Manager Corporate Services
Local Government (Administration) Regulations		
Regulation 12(4)	Determine whether it is practicable to give local public notice of a special meeting.	None
Regulation 14(2)	Determine whether a meeting or part of a meeting is likely to be closed to members of the public.	None
Regulation 29(2)(b) and (3)	Make the determinations referred to in Regulation 29(2)(b) and (3) in regard to a person's right to inspect information referred to in Section 5.94.	Deputy Chief Executive Officer

D

Delegations Under Other Legislation And Regulations

NOTE

**This list is an information tool and is ongoing – it
will be added to as relevant information
comes to hand**

Legislation	Subject	Delegate
<p><i>Health (Miscellaneous Provisions) Act 1911 Section 65</i></p>	<p>To allow the Chief Executive Officer to discharge the powers and functions of the local government under the Health (Miscellaneous Provisions) Act 1911.</p> <p>Section 26 Powers of local government <i>Every local government is hereby authorised and directed to carry out within its district the provisions of this Act and the regulations, local laws, and orders made thereunder:</i> <i>Provided that a local government may appoint and authorise any person to be its deputy, and in that capacity 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.</i></p>	<p>Chief Executive Officer</p>
<p><i>Health (Treatment of Sewage and disposal of Effluent and Liquid Waste) Regulations 1974 – Sections 4 & 10</i></p>	<p>To allow the Chief Executive Officer to discharge the functions of Sections 4 & 10</p>	<p>Chief Executive Officer</p>
<p><i>Environmental Protection Act 1986 Section 65</i></p>	<p>Delegation 52 – 19 March 2004 - Allows the Chief Executive Officer of the Department of Environment Regulation to delegate to local government regarding environmental protection notices</p>	<p>Chief Executive Officer</p>
<p>Environmental Protection (Noise) Regulations 1997</p>	<p>Delegation 112 – 20 December 2013 - delegates to local government power in relation to various approvals and other activities under the noise regulations</p>	<p>Chief Executive Officer</p>
<p>Environmental Protection (Noise) Regulations 1997 – Reg 13</p>	<p>Delegation 119 – 16 May 2014 – delegates to local government powers in relation to noise management plans for construction work on construction sites</p>	<p>Chief Executive Officer & Environmental Health Officer</p>