



Shire of Exmouth

DELEGATION REGISTER

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The delegations contained herein have been adopted by Council by absolute majority decision. In addition to delegations made in accordance with the *Local Government Act 1995*, a number of delegations are also made to the Chief Executive Officer, or directly to officers, in accordance with the provision of other legislation ie *Building Act 2011*.

The delegated register is to assist with improving the time taken to make decisions with the constraints permitted by the relevant legislation.

The register of delegations is to be maintained and reviewed at least once every financial year, pursuant to s5.46 (1) and (2) of the *Local Government Act 1995*.

Note: Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.

DOCUMENT CONTROL

Date	Delegation No	Amendment	Council Decision
25/06/2020	As adopted	N/A	02-0620
23/12/2020	1.2.1 Redundant 1.3.4 New	The Template Delegations Register was amended on 18 Nov 2020 to remove redundant Council to CEO delegations for appointing Authorised Persons under the Local Government Act, Cat Act and Dog Act and to insert a NEW CEO to employee delegation for appointing Authorised Persons under s.9.10 of the LG Act (WALGA advice)	N/A
24/09/2020	1.1.2	Updated Committee Terms of Reference. Expiry date of Committee now 30/06/21	04-0920
23/06/2021	1.2.18 Modify	Title update. (ACEO email to Councillors NCR10831)	N/A
24/06/2021	Annual Delegation Review		04-0621
	1.2.12 Modify	Appoint Coordinator Compliance and Emergency Services as a sub delegate.	
	1.1.2 Redundant	The Committee has an expiry date of 30 June 2021 (Council Decision 04-0920).	
25/11/2021	1.2.20	Adoption of New delegations: 1.2.20 Execution of Documents 1.2.21 - Tenders for Goods and Services: Exercising Contract Extension Options and Variations	02-1121 03-1121
05/09/2022	Various 1.3.1	Title Update throughout register: <ul style="list-style-type: none"> Executive Manager Commercial and Community now Deputy CEO/ Community and Economic Growth Senior Information Officer now Information Management Officer 	N/A
Nov 2022		Full Register Review – OCM 24 November 2022	02-1122
Dec 2023		Full Register Review – OCM 14 December 2023	08-1223

1. LOCAL GOVERNMENT ACT 1995

1.1 Council to Chief Executive Officer

1.1.1 Performing Functions Outside Own District

Delegator:	Local Government
Express Power to Delegate:	<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
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.20(1) Performing functions outside district
Delegate:	Chief Executive Officer
Function:	1. Determine the circumstances where it is appropriate for the Local Government's functions to be performed outside the District and prior to implementing such a decision, obtain the consent of the landowner/s and occupier/s and any other person that has control or management of the land impacted by the performance of the function [s.3.20(1)].
Council Conditions on this Delegation:	a. A decision to undertake a function outside the District, can only be made under this delegation where there is a relevant allocation within the Annual Budget and the performance of the functions does not negatively impact service levels within the District. Where these conditions are not met, the matter must be referred for Council decision.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy CEO/ Community and Economic Growth Executive Manager Infrastructure Services Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation:	Nil

1.1.2 Declare Vehicle is Abandoned Vehicle Wreck

Delegator:	Local Government
Express Power to Delegate:	<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
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.40A(4) Abandoned vehicle wreck may be taken
Delegate:	Chief Executive Officer
Function:	1. Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
Council Conditions on this Delegation:	a. Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.1.3 Confiscated of Uncollected Goods or alternatively, referred for Council decision. b. NOTE – declared abandoned vehicle wreck may only be removed and impounded by a person duly authorised under s.3.40A(1). Authority to appoint authorised person for this purpose may be delegated refer Delegated Authority 1.2.4 Appoint Authorised Persons.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy CEO/ Community and Economic Growth Executive Manager Infrastructure Services Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation:	Nil

1.1.3 Confiscated or Uncollected Goods

Delegator:	Local Government
Express Power to Delegate:	<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
Express Power or Duty Delegated:	<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
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 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] 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]. 3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. 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. NOTE – declared abandoned vehicle wreck may only be removed and impounded by a person duly authorised under s.3.40A(1). Authority to appoint authorised person for this purpose may be delegated refer Delegated Authority 1.2.4 Appoint Authorised Persons.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy CEO/ Community and Economic Growth Executive Manager Infrastructure Services Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation:	Nil

1.1.4 Disposal of Sick or Injured Impounded Animals

Delegator:	Local Government
Express Power to Delegate:	<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
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 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)]. 2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Council Conditions on this Delegation:	a. Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy CEO/ Community and Economic Growth Executive Manager Infrastructure Services Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation:	Nil

1.1.5 Property and Acquisition and Disposal

Delegator:	Local Government
Express Power to Delegate:	<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
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.58(2) & (3) Disposing of Property
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to dispose of property to: <ol style="list-style-type: none"> (a) to the highest bidder at public auction [s.3.58(2)(a)]. (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)] 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)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> 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. 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 \$500,000 or less. c. When determining the method of disposal: <ul style="list-style-type: none"> • Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> ○ Reserve price has been set by independent valuation. ○ 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. • 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. • Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: <ul style="list-style-type: none"> ○ Negotiate the sale of the property up to a -10% variance on the valuation; and ○ Consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a decision are recorded. d. Where the market value of the property is determined as being less than \$20,000 (F&G r.30(3) excluded disposal) may be undertaken: <ul style="list-style-type: none"> • Without reference to Council for resolution; and • In any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil

Delegation Register

Shire of Exmouth



	market value then, as a minimum, the disposal must ensure environmentally responsible disposal.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

1.1.6 Payments from Municipal or Trust Fund

Delegator:	Local Government
Express Power to Delegate:	<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
Express Power or Duty Delegated:	<i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
Delegate:	Chief Executive Officer
Function:	1. Authority to make payments from the municipal or trust funds [r.12(1)(a)].
Council Conditions on this Delegation:	a. Authority to make payments is subject to annual budget limitations.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Corporate Services Executive Manager Infrastructure Services Deputy CEO/ Community & Economic Growth
CEO Conditions on this Sub-Delegation:	<ol style="list-style-type: none"> 1. Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5. 2. Payments by Cheque and EFT transactions must be approved jointly by two of the following delegates: Chief Executive Officer, Executive Manager Corporate Services, Deputy CEO/Community Economic Growth or Executive Manager Infrastructure Services. 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.

1.1.7 Power to invest and Manage Investments

Delegator:	Local Government
Express Power to Delegate:	<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
Express Power or Duty Delegated:	<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
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 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)]. 2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. All investment activity must comply with the Financial Management Regulation 19C and Council Investments policy. 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. c. 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. d. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within every 3 financial years. [Audit r.17]
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation:	<ol style="list-style-type: none"> 1. Officers acting in the position of an Executive Manager cannot be appointed as a signatory.

1.1.8 Defer, Grant Discounts, Waive or Write off Debts

Delegator:	Local Government
Express Power to Delegate:	<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
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.12 Power to defer, grant discounts, waive or write off debts
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Waive a debt which is owed to the Shire of Exmouth [s.6.12(1)(b)]. 2. Grant a concession in relation to money which is owed to the Shire of Exmouth [s.6.12(1)(b)]. 3. Write off an amount of money which is owed to the Shire of Exmouth [s.6.12(1)(c)]
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Write-off a rates or service charge debt in accordance with the Financial Hardship Policy [s.6.12(1)(c) &(2)]. b. A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire of Exmouth. <ol style="list-style-type: none"> i. Limited to individual debts valued below \$5,000 or cumulative debts of a debtor valued below \$5,000. Write off of debts greater than these values must be referred for Council decision.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

1.1.9 Power of Entry

Delegator:	Local Government
Express Power to Delegate:	<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
Express Power or Duty Delegated:	<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
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 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]. 2. Authority to give notice of entry [s.3.32]. 3. Authority to seek and execute an entry under warrant [s.3.33]. 4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]. 5. Authority to give notice and effect entry by opening a fence [s.3.36].
Council Conditions on this Delegation:	a. Delegated authority under s.3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Infrastructure Services Manager Works Compliance and Emergency Services Coordinator Environmental Health Officer Building Surveyor
CEO Conditions on this Sub-Delegation:	Nil

1.1.10 Agreement as to Payment of Rates and Service Charges

Delegator:	Local Government
Express Power to Delegate:	<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
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.49 Agreement as to payment of rates and service charges
Delegate:	Chief Executive Officer
Function:	1. Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
Council Conditions on this Delegation:	a. Decisions under this delegation must comply with Council Debt Recovery Policy and Financial Hardship Policy. b. Agreements must be in writing and, subject to the Council Debt Recovery Policy and Financial Hardship Policy, must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation:	Nil

1.1.11 Recovery of Rates or Service Charges

Delegator:	Local Government
Express Power to Delegate:	<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
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.56 Rates or service charges recoverable in court s.6.64(3) Actions to be taken
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)]. 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)].
Council Conditions on this Delegation:	a. Decisions under this delegation must comply with Council Debt Recovery Policy and Financial Hardship Policy.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation:	Nil

1.1.12 Recovery of Rates Debts – Require Lessee to Pay Rent

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 <i>Delegation of some powers or duties to the CEO</i> s.5.43 <i>Limitations on delegations to the CEO</i>
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.60 <i>Local Government may require lessee to pay rent</i>
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the Shire of Exmouth [s.6.60(2)]. 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)].
Council Conditions on this Delegation:	a. Decisions under this delegation must comply with Council Debt Recovery Policy and Financial Hardship Policy.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 <i>CEO may delegate some powers and duties to other employees</i>
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation:	Nil

1.1.13 Recovery of Rates Debts - Actions to Take Possession of the Land

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 <i>Delegation of some powers or duties to the CEO</i> s.5.43 <i>Limitations on delegations to the CEO</i>
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.64(1) <i>Actions to be taken</i> s.6.69(2) <i>Right to pay rates, service charges and costs, and stay proceedings</i> s.6.71 <i>Power to transfer land to Crown or local government</i> s.6.74 <i>Power to have land revested in Crown if rates in arrears 3 years</i>
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 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"> i. lease the land, or 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"> I. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or II. cause the land to be transferred to the Shire of Exmouth [s.6.71]. 2. Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, service charges and costs within 7 days of and prior to the proposed sale [s.6.69(2)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Decisions under this delegation must comply with Council Debt Recovery Policy and Financial Hardship Policy. b. 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 / changes through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes. c. Exercise of this delegation must comply with the procedures set out in Schedule 6.3 of the <i>Local Government Act 1995</i>.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 <i>CEO may delegate some powers and duties to other employees</i>
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

1.1.14 Rate Record - Objections

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 <i>Delegation of some powers or duties to the CEO</i> s.5.43 <i>Limitations on delegations to the CEO</i>
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.76 <i>Grounds of objection</i>
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)]. 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)].
Council Conditions on this Delegation:	a. A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination under this Delegation.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 <i>CEO may delegate some powers and duties to other employees</i>
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation:	Nil

1.1.15 Rate Record Amendment

Delegator:	Local Government
Express Power to Delegate:	<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
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.39(2)(b) Rate record
Delegate:	Chief Executive Officer
Function:	1. Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)].
Council Conditions on this Delegation:	a. Delegates must comply with the requirements of s.6.40 of the Act.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

1.1.16 Certain things to be done in respect of Land

Delegator:	Local Government
Express Power to delegate:	<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
Express Power or Duty Appointed:	<i>Local Government Act 1995:</i> s3.24 Authorising persons under this Subdivision s3.25 Notices requiring certain things to be done by owner or occupier of land s3.26 Additional powers when notices given
Delegate:	Chief Executive Officer
Function:	1. Exercise on behalf of the local government the powers given to a local government by Subdivision 2 (Certain Provisions about Land) of the <i>Local Government Act 1995</i> ; and 2. To issue notices and take the necessary action to recover costs from the person who failed to comply with the notice. (Refer Section 3.24 to 3.26–Schedule 3.1.).
Conditions on this Appointment:	a. Documenting how they formed the opinion that the things to be performed are necessary to protect and/or enhance the health, safety or amenity of the persons or property in the district or to remove a nuisance.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy CEO/Community and Economic Growth Senior Planning Officer
CEO Conditions on this Sub-Delegation:	Nil

1.1.17 Close Thoroughfares to Vehicles

Delegator:	Local Government
Express Power to Delegate:	<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
Express Power or Duty Delegated:	<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
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 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)]. 2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: <ol style="list-style-type: none"> i. give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and ii. consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)]. 3. Authority to revoke an order to close a thoroughfare [s.3.50(6)]. 4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A] 5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s.3.51].
Conditions on this Appointment:	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)]
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Infrastructure Services Manager Works Compliance and Emergency Services Coordinator
CEO Conditions on this Sub-Delegation:	Nil

1.1.18 Private Works on, over or under Public Places

Delegator:	Local Government
Express Power to Delegate:	<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
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> r.17 Private works on, over, or under public places – Sch.9.1 cl.
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 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)]. 2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> 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. 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. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

1.1.19 Gates Across Public Thoroughfares

Delegator:	Local Government
Express Power to Delegate:	<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
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)]. 2. Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)]. 3. Authority to impose conditions on granting permission [ULP r.9(4)]. 4. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)]. 5. Authority to cancel permission by written notice, and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9(6)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Each approval provided must be recorded in the Shire of Exmouth's statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Infrastructure Services
CEO Conditions on this Sub-Delegation:	Nil

1.1.20 Public Thoroughfare – Dangerous Excavations

Delegator:	Local Government
Express Power to Delegate:	<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
Express Power or Duty Delegated:	<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
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 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)]. 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)]. 3. Authority to impose conditions on granting permission [ULP r.11(6)]. 4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> 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. 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. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Infrastructure Services
CEO Conditions on this Sub-Delegation:	Nil

1.1.21 Crossing – Construction, Repair and Removal

Delegator:	Local Government
Express Power to Delegate:	<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
Express Power or Duty Delegated:	<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)
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 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)]. 2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)]. 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)]. 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)].
Council Conditions on this Delegation:	a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996 .
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Infrastructure Services
CEO Conditions on this Sub-Delegation:	Nil

1.1.22 Sponsorship; Donations

Delegator:	Local Government
Express Power to Delegate:	<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
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.12 Power to defer, grant discounts, waive or write off debts
Delegate:	Chief Executive Officer
Function:	1. Authority to consider applications received for financial assistance and make the appropriate donation or engage into a sponsorship arrangement.
Conditions on this Appointment:	a. In accordance with Council budget and Council Sponsorship Policy.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

1.1.23 Execution of Documents

Delegator:	Local Government
Express Power to Delegate:	<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
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s9.49A (4) (5) Execution of Documents
Delegate:	Chief Executive Officer Shire President
Function:	Authority to sign documents on behalf of the Shire of Exmouth.
Council Conditions on this Delegation:	The Chief Executive Officer is delegated authority to: <ol style="list-style-type: none"> 1. Sign documents in relation to the administration of leases, licences, or other land agreements. 2. Sign sponsorship or grant agreements and acquittals where the Shire's contribution falls within budget or is consistent with a Council resolution. 3. 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. 4. Sign Memorandums of Understanding (MOU) if they satisfy the following conditions: <ul style="list-style-type: none"> • There is no additional financial contribution in excess of existing budgets required to give effect to the Shire's obligations under the MOU. • Formalises an existing working relationship between the Shire and a government agency or department or another local government. 5. Execute, lodge, remove, withdraw, surrender or modify relating to notifications, covenants, easements and caveats under the <i>Transfer of Land Act 1893</i>. 6. Execute easements or deeds of easement under the <i>Land Administration Act 1997</i> and/or <i>Strata Titles Act 1985</i>. 7. Sign documents required to satisfy conditions of subdivision and/or development approval. 8. Sign Finance Leases, Contracts, Service Level agreements, and any other agreement that does not require the Common Seal of the Shire.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

1.1.24 Expressions of Interest for Goods and Services

Delegator:	Local Government
Express Power to Delegate:	<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
Express Power or Duty Delegated:	<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
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21]. 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&G r.23].
Council Conditions on this Delegation:	a. Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

1.1.25 Tenders for Goods and Services

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services Local Government (Functions and General) Regulations 1996: 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
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to call tenders [F&G r.11(1)] . 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&G r.11(2)(f)]. 3. Authority to undertake tender exempt procurement, in accordance with the Procurement Policy and Tender Procedures requirements, where the total consideration is included in the adopted Annual Budget [F&G r.11(2)]. 4. Authority to invite tenders although not required to do so [F&G r.13]. 5. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 6. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 7. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)]. 8. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&G r.18(4)]. 9. Authority to accept, or reject an RFx, up to and including \$500,000 ex GST value detailed as a condition on this Delegation, and in accordance with the requirements of the Functions and General Regulations [F&G r.18(2) and (4)]. 10. Authority to approve a variation up to an amount of 10% of the original purchasing value of the total goods or services sought through the RFx, and to then negotiate minor variations (up to an amount of 10% of the original purchasing value) with the successful tenderer before entering into a contract [F&G r.20(1) and (3)].

	<p>11. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)].</p> <p>12. Authority to decline any tender [F&G r.18(5)].</p> <p>13. If the chosen tenderer is unable or unwilling to form a contract or 28 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&G r.20(2)].</p> <p>14. Authority to:</p> <ul style="list-style-type: none"> 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 and is limited to a 10% tolerance of the original purchasing value; and ii. Exercise an extension option that was included in the original tender specification and contract in accordance with r.11(2)(j). [F&G r.21A]. <p>15. Authority to accept another tender where within 6-months of either accepting a tender, a contract has not been entered into or the successful tenderer agrees to terminate the contract [F&G r.18(6) and (7)], unless the tender was awarded by Council.</p> <p>16. Authority to exercise a contract extension option that was included in the original tender specification and contract in accordance with r.11(2)(j).</p>
<p>Council Conditions on this Delegation:</p>	<p>a. Sole supplier arrangements may only be approved where a record is retained that evidences:</p> <ul style="list-style-type: none"> i. A detailed specification; ii. The outcomes of market testing of the specification; iii. The reasons why market testing has not met the requirements of the specification; and iv. Rationale for why the supply is unique and cannot be sourced through other suppliers. <p>b. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget and where the:</p> <ul style="list-style-type: none"> i. proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government; ii. current supply contract expiry is imminent; iii. value of the proposed new contract has been included in the draft Annual Budget proposed for adoption; and iv. The tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council. <p>c. In accordance with s.5.43, tenders may only be accepted where the resulting expense is included in the adopted Annual Budget.</p> <p>d. All above delegations must be in accordance with Council Procurement policy.</p>
<p>Express Power to Sub-Delegate:</p>	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
<p>Sub-Delegate/s: <i>Appointed by CEO</i></p>	<p>Nil</p>
<p>CEO Conditions on this Sub-Delegation:</p>	<p>Nil</p>

1.2 Chief Executive Officer to Employees

1.2.1 Destruction of Electoral Papers

Delegator:	Chief Executive Officer
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Elections) Regulations 1996:</i> r.82(4) Keeping election papers – s4.84(a)
Delegate:	Executive Manager Corporate Services
Function: <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	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)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

1.2.2 Acting Chief Executive Officer

Delegator:	Chief Executive Officer
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.5.39(1a)(a) An employee may act in the position of a CEO
Delegate:	Deputy CEO/ Community & Economic Growth Executive Manager Corporate Services Executive Manager Infrastructure Services
Function:	1. Senior Employee to act in the capacity of Chief Executive Officer during absences not exceeding three months [s.5.39(1a)(a)]
CEO Conditions on this Delegation:	a. The appointment as acting Chief Executive Officer is to be in accordance with Council Policy Chief Executive Officer Leave, Appointment of Acting or Temporary
Express Power to Sub-Delegate:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

1.2.3 Representing Local Government in Court

Delegator:	Chief Executive Officer
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s. 9.29 Representing local government in court
Delegate:	Deputy CEO/ Community & Economic Growth Executive Manager Corporate Services Executive Manager Infrastructure Services Senior Planning Officer Strategic Planning Officer Environmental Health Officer Manager Works Building Surveyor Compliance and Emergency Services Coordinator Ranger
Function:	1. To represent the local government in proceedings in the Magistrates Court the Children’s Court or the State Administrative Tribunal or proceedings in respect of a claim against a person who takes the benefit of an Act for the relief of bankrupt debtors [s.9.29(1)(a) & (b)]
Conditions on this Delegation:	a. Provided the proceedings relate to the officer’ s position description.
Express Power to Sub-Delegate:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

1.2.4 Appoint Authorised Persons

Delegator:	Chief Executive Officer
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<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.3.31 General procedure for entering property [s.3.31(2)] s.9.10 Appointment of authorised persons
Delegate:	Nil
Function:	<p>1. 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 i.e. Regulations:</p> <p>(a) Local Government Act 1995 and its subsidiary legislation, including Local Government Act Regulations, the <i>Local Government (Miscellaneous Provisions) Act 1960</i>, and Local Laws made under the Local Government Act:</p> <p>(b) <i>Caravan Parks and Camping Grounds Act 1995</i>;</p> <p>(c) <i>Cat Act 2011</i>;</p> <p>(d) <i>Cemeteries Act 1986</i>;</p> <p>(e) <i>Control of Vehicles (Off-road Areas) Act 1978</i>;</p> <p>(f) <i>Dog Act 1976</i>;</p> <p>(g) Graffiti Vandalism Act 2016 – refer s.15; and</p> <p>(e) any other legislation prescribed for the purposes of s.9.10 of the <i>Local Government Act 1995</i>.</p> <p>2. Authority to authorise an employee to certify copies of local laws or any other document adopted by Council as a true copy [s.9.31].</p>
CEO Conditions on this Delegation:	<p>a. A register of Authorised Persons is to be maintained as a Local Government Record.</p> <p>b. Only persons who are appropriately qualified and trained may be appointed as Authorised persons.</p> <p>c. NOTE ONLY– A person to be appointed as authorised officer in accordance with Regulation 70(2) of the Building Regulations 2012 and section 6(b) of the <i>Criminal Procedure Act 2004</i> MUST first be appointed as an authorised person for the purposes of section 9.16 of the <i>Local Government Act 1995</i>.</p>
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: Appointed by CEO	Nil
CEO Conditions on this Sub-Delegation:	Nil

2. BUILDING ACT 2011

2.1 Council to Chief Executive Officer

2.1.1 Designate Employees as Authorised Persons

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.96(3) authorised persons s.99(3) Limitation on powers of authorised person
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to designate an employee as an authorised person [s.96(3)]. 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)]. 3. Authority to undertake the following functions as authorised persons: <ol style="list-style-type: none"> a) Entry powers [s.100] b) Powers after entry and compliance purposes [s.101] c) Obtaining information and documents [s.102] d) Use of force and assistance [s.103] e) Entry warrant to enter a place [s.106] f) Execution of warrant [s.109] g) To carry out the functions to give effect to a building order [s.118]
Council Conditions on this Delegation:	a. Decisions under this delegated authority should be in accordance with r.5A of the <i>Building Regulations 2012</i> .
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

2.1.2 Grant a Building Permit

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> 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))
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)]. 2. Authority to grant or refuse to grant a building permit [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and (3)]. 4. Authority to determine an application to extend time during which a building permit has effect [r.23]. <ol style="list-style-type: none"> 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)] ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	Building Surveyor
CEO Conditions on this Sub-Delegation:	Nil

2.1.3 Grant a Demolition Permit

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> 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))
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)]. 2. Authority to grant or refuse to grant a demolition permit application [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and (3)]. 4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]. <ol style="list-style-type: none"> 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)] ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	Building Surveyor
CEO Conditions on this Sub-Delegation:	Nil

2.1.4 Building Orders (Issue and Revocation)

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<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.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
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> a. Building work b. Demolition work c. An existing building or incidental structure [s.110(1)]. 2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]. 3. Authority to revoke a building order [s.117]. 4. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> a. takes any action specified in the order; or b. commences or complete any work specified in the order; or 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)]. 5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)]. 6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the <i>Building Act 2011</i>.
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy CEO / Community and Economic Growth Building Surveyor
CEO Conditions on this Sub-Delegation:	Nil

2.1.5 Occupancy Permit or Building Approval Certificate

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<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 Building Regulations 2012 r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55]. 2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58]. 3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)]. 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].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	Building Surveyor
CEO Conditions on this Sub-Delegation:	Nil

2.1.6 Inspection and Copies of Building Records

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.131(2) Inspection, copies of building records
Delegate:	Chief Executive Officer
Function:	1. Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	Building Surveyor
CEO Conditions on this Sub-Delegation:	Nil

2.1.7 Referrals and Issuing Certificates

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.145A Local Government functions
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 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)]. 2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire of Exmouth [s.145A(2)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	Building Surveyor
CEO Conditions on this Sub-Delegation:	Nil

2.1.8 Private Pool Barrier – Alternative and Performance Solutions

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Regulations 2012:</i> r.51 Approvals by permit authority
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 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)] 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)] 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)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	Building Surveyor
CEO Conditions on this Sub-Delegation:	Nil

2.1.9 Smoke Alarms – Alternative Solutions

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Regulations 2012:</i> r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 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]. 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].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	Building Surveyor
CEO Conditions on this Sub-Delegation:	Nil

2.1.10 Appointment of Authorised Persons (Swimming Pool Inspectors)

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Regulations 2012:</i> r.53 Inspection of barrier to private swimming pool
Delegate:	Chief Executive Officer
Function:	1. To inspect the barrier of private swimming pools every 4 years to ensure compliance with the <i>Building Regulations 2012</i> [r.53]
Council Conditions on this Delegation:	a. Authorisation from Local Government, pursuant to section 3.93(2)(d), 96(3) of the <i>Building Act 2011 Regulation 5A of the Building Regulation 2012</i> to designate authorised persons for the purpose of that Act.
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

2.1.11 Appoint approved officers and authorised officers

Delegator:	Local Government
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Regulations 2012:</i> r.70 Approved officers and authorised officers
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> Authority to appoint an approved officer for the purposes of s.6(a) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(1) and (1A). <i>NOTE: Only employees delegated under s 5.44(1) of the Local Government Act 1995 with power under s 9.19 or 9.20 may be appointed as "approved officers".</i> Authority to appoint an authorised officer for the purposes of s.6(b) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(2). <i>NOTE: Only employees appointed under s 9.10 of the Local Government Act 1995 and authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as "authorised officers" for the purposes of Building Regulation 70(2).</i>
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

3. FOOD ACT 2008

3.1 Council to CEO/Employees

3.1.1 Appoint Authorised Officers and Designated Officers

Delegator:	Local Government
Express Power to Delegate:	<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
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(2)]. 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)]. 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)].
Council Conditions on this Delegation:	<p>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, including but not limited to:</p> <ul style="list-style-type: none"> • Appointment of Authorised Officers as Meat Inspectors • Appointment of Authorised Officers • Appointment of Authorised Officers – Designated Officers only • Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

3.1.2 Determine Compensation

Delegator:	Local Government
Express Power to Delegate:	Food Act 2008: 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
Express Power or Duty Delegated:	Food Act 2008: s.56(2) Compensation to be paid in certain circumstances s.70(2) and (3) Compensation
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 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)]. 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)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> 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. b. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$1000 Compensation requests above this value are to be reported to Council.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

3.1.3 Prohibition Orders

Delegator:	Local Government
Express Power to Delegate:	<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
Express Power or Duty Delegated:	<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
Delegate:	Chief Executive Officer Environmental Health Officer
Function:	<ol style="list-style-type: none"> 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)]. 2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66]. 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)].
Council Conditions on this Delegation:	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.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

3.1.4 Food Business Registrations

Delegator:	Local Government
Express Power to Delegate:	Food Act 2008: s.118 Functions of enforcement agencies and delegation (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	Food Act 2008: s.110(1) and (5) Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses
Delegate:	Environmental Health Officer
Function:	<ol style="list-style-type: none"> 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)]. 2. Authority to vary the conditions or cancel the registration of a food business [s.112].
Council Conditions on this Delegation:	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: <ol style="list-style-type: none"> i. Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA ii. Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1 iii. WA Priority Classification System iv. Verification of Food Safety Program Guideline
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

3.1.5 Debt Recovery and Prosecutions

Delegator:	Local Government
Express Power to Delegate:	Food Act 2008: 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
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.54 Cost of destruction or disposal of forfeited item s.125 Institution of proceedings
Delegate:	Chief Executive Officer (1,2) Environmental Health Officer (2)
Function:	<ol style="list-style-type: none"> 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)]. 2. Authority to institute proceedings for an offence under the <i>Food Act 2008</i> [s.125].
Council Conditions on this Delegation:	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.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

3.1.6 Food Businesses List – Public Access

Delegator:	Local Government
Express Power to Delegate:	<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
Express Power or Duty Delegated:	<i>Food Act 2008:</i> <i>r.51 Enforcement agency may make list of food</i>
Delegate:	Environmental Health Officer
Function:	1. Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].
Council Conditions on this Delegation:	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.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

4. PUBLIC HEALTH ACT 2016

4.1 Council to CEO/Employees

4.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)

Delegator:	Local Government
Express Power to Delegate:	<i>Health (Asbestos) Regulations 1992:</i> r.15D(7) Infringement Notices
Express Power or Duty Delegated:	<i>Health (Asbestos) Regulations 1992:</i> r.15D(5) Infringement Notices
Delegate:	Chief Executive Officer
Function:	1. Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 [r.15D(5)].
Council Conditions on this Delegation:	a. 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)].
Express Power to Sub-Delegate:	Nil – the <i>Health (Asbestos) Regulations 1992</i> do not provide a power to sub-delegate.
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

4.1.2 Designate Authorised Officers

Delegator:	Local Government
Express Power to Delegate:	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.24(1) and (3) Designation of authorised officers
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to designate a person or class of persons as authorised officers for the purposes of: <ol style="list-style-type: none"> i. The Public Health Act 2016 or another specified Act ii. Specified provisions of the Public Health Act 2016 or another specified Act iii. Provisions of the Public Health Act 2016 or another specified Act, other than the specified provisions of that Act. Including: <ol style="list-style-type: none"> a. an environmental health officer or environmental health officers as a class; OR b. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR c. a mixture of the two. [s.24(1) and (3)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Subject to each person so appointed being; <ul style="list-style-type: none"> • Appropriately qualified and experienced [s.25(1)(a)]; and • Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31]. b. A Register (list) of authorised officers is to be maintained in accordance with s.27.
Express Power to Sub-Delegate:	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)].
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

4.1.3 Enforcement Agency Reports to the Chief Health Officer

Delegator:	Local Government
Express Power to Delegate:	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.22 Reports by and about enforcement agencies
Delegate:	Environmental Health Officer
Function:	<ol style="list-style-type: none"> 1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Shire of Exmouth [s.22(1)] 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)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	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)].
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

4.1.4 Determine Compensation for Seized Items

Delegator:	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate:	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.264 Compensation
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264].
Council Conditions on this Delegation:	a. Compensation is limited to a maximum value of \$5000, with any proposal for compensation above this value to be referred for Council's determination.
Express Power to Sub-Delegate:	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)].
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

5. CAT ACT 2011

5.1 Council to CEO

5.1.1 Cat Registrations

Delegator:	Local Government
Express Power to Delegate:	<i>Cat Act 2011</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<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
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)]. 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)]. 3. Authority to cancel a cat registration [s.10]. 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)]. 5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire of Exmouth's District [Regs. Sch. 3 cl.1(4)].
Council Conditions on this Delegation:	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> .
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Infrastructure Services Manager Works Compliance and Emergency Services Coordinator Ranger
CEO Conditions on this Sub-Delegation:	Nil

5.1.2 Cat Control Notices

Delegator:	Local Government
Express Power to Delegate:	<i>Cat Act 2011</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.26 Cat control notice may be given to cat owner
Delegate:	Chief Executive Officer
Function:	1. Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire of Exmouth District [s.26].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Sub-Delegate/s: <i>Appointed by CEO</i>	Compliance and Emergency Services Coordinator Ranger
CEO Conditions on this Sub-Delegation:	Nil

5.1.3 Recovery of Costs – Destruction of Cats

Delegator:	Local Government
Express Power to Delegate:	<i>Cat Act 2011</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.49(3) Authorised person may cause cat to be destroyed
Delegate:	Chief Executive Officer
Function:	1. Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Infrastructure Services
CEO Conditions on this Sub-Delegation:	Nil

5.1.4 Reduce or Waiver Registration Fee

Delegator:	Local Government
Express Power to Delegate:	<i>Cat Act 2011</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Regulations 2012:</i> Schedule 3 Fees clause 1(4)
Delegate:	Chief Executive Officer
Function:	1. Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat.
Council Conditions on this Delegation:	a. This delegation does NOT provide authority to determine to reduce or waiver the fees payable in regard to any <u>class of cat</u> within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the <i>Local Government Act 1995</i> .
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

5.2 Chief Executive Officer to Employees

5.2.1 Infringement Notices – Extensions and Withdrawals

Delegator:	Chief Executive Officer
Express Power to Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.64 Extension of time s.65 Withdrawal of notice
Delegate/s:	Nil
Function:	<ol style="list-style-type: none"> 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]. 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].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

6. DOG ACT 1976

6.1 Council to CEO

6.1.1 Appoint Registration Officer

Delegator:	Local Government
Express Power to Delegate:	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.3 Terms Used (<i>Registration officer means a person authorised by the local government to effect the registration of dogs pursuant to this Act</i>)
Delegate:	Chief Executive Officer
Function:	1. Authority to authorise a person for the purposes of performing the prescribed office of Registration Officer under the <i>Dog Act 1976</i> [s.3].
Council Conditions on this Delegation:	<ul style="list-style-type: none"> a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. A register of Authorised Persons is to be maintained as a Local Government Record. c. Only persons who are appropriately qualified and trained may be appointed as Authorised persons. d. Authorisations are to be provided in writing by issuing a Certificate of Authorisation.
Express Power to Sub-Delegate:	<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)
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

6.1.2 Part Payment of Sterilisation Costs/Directions to Veterinary Surgeons

Delegator:	Local Government
Express Power to Delegate:	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to determine where a resident who is the owner of a registered dog, would suffer hardship in paying the whole of the cost of sterilisation and determine to pay part of such costs to a maximum value of 500 [s.10A(1)(a) and (3)]. 2. Authority to give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation [s.10A(1)(b) and (2)].
Council Conditions on this Delegation:	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	<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)
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

6.1.3 Refuse or Cancel Registration

Delegator:	Local Government
Express Power to Delegate:	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<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
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)]. 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"> 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 ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or 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 iv. the dog is required to be microchipped but is not microchipped; or v. the dog is a dangerous dog [s.16(3) and s.17A(2)]. 3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire of Exmouth District [s15(4A)]. 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"> i. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had been found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]
Council Conditions on this Delegation:	a. 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.
Express Power to Sub-Delegate:	<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)
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Infrastructure Services Manager Works Compliance and Emergency Services Coordinator
CEO Conditions on this Sub-Delegation:	Nil

6.1.4 Kennel Establishments

Delegator:	Local Government
Express Power to Delegate:	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.27 Licensing of approved kennel establishments
Delegate:	Chief Executive Officer
Function:	1. Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)].
Council Conditions on this Delegation:	a. 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.
Express Power to Sub-Delegate:	<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)
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Infrastructure Services
CEO Conditions on this Sub-Delegation:	Nil

6.1.5 Recovery of Monies Due under this Act

Delegator:	Local Government
Express Power to Delegate:	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.29(5) Power to seize dogs
Delegate:	Chief Executive Officer
Function:	1. Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)].
Council Conditions on this Delegation:	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	<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)
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

6.1.6 Declare Dangerous Dog

Delegator:	Local Government
Express Power to Delegate:	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33E(1) Individual dog may be declared to be dangerous dog (declared)
Delegate:	Chief Executive Officer
Function:	1. Authority to declare an individual dog to be a dangerous dog [s.33E(1)].
Council Conditions on this Delegation:	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	<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)
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Infrastructure Services Manager Works Compliance and Emergency Services Coordinator
CEO Conditions on this Sub-Delegation:	Nil

6.1.7 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke

Delegator:	Local Government
Express Power to Delegate:	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<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) and (2) Local government may revoke declaration or proposal to destroy
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)]. 2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)]. 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)] <ol style="list-style-type: none"> i. 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)].
Council Conditions on this Delegation:	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	<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)
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Infrastructure Services Manager Works Compliance and Emergency Services Coordinator
CEO Conditions on this Sub-Delegation:	Nil

6.1.8 Keeping of Multiple Dogs

Delegator:	Local Government
Express Power to Delegate:	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.26 Limitations as to numbers
Delegate:	Chief Executive Officer
Function:	To determine applications to keep between three and six dogs on a property in accordance with Council Policy Multiple Dogs
Council Conditions on this Delegation:	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	<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)
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

7. GRAFFITI VANDALISM ACT 2016

7.1 Council to CEO

7.1.1 Give Notice Requiring Obliteration of Graffiti

Delegator:	Local Government
Express Power to Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</i> s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
Delegate:	Chief Executive Officer
Function: <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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)]. 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)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Infrastructure Services Manager Works
CEO Conditions on this Sub-Delegation:	Nil

7.1.2 Notices – Deal with Objections and Give Effect to Notices

Delegator:	Local Government
Express Power to Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</i> s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to deal with an objection to a notice [s.22(3)]. 2. Authority, where an objection has been lodged, to: <ol style="list-style-type: none"> 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 ii. to give notice to the affected person, before taking the necessary actions [s.24(3)]. ii. to give notice to the affected person, before taking the necessary actions [s.24(3)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Infrastructure Services
CEO Conditions on this Sub-Delegation:	Nil

7.1.3 Obliterate Graffiti on Private Property

Delegator:	Local Government
Express Power to Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</i> s.25(1) Local government graffiti powers on land not local government property
Delegate:	Chief Executive Officer
Function: <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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)].
Council Conditions on this Delegation:	a. Subject to exercising Powers of Entry.
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Infrastructure Services
CEO Conditions on this Sub-Delegation:	Nil

7.1.4 Powers of Entry

Delegator:	Local Government
Express Power to Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</i> s.28 Notice of entry s.29 Entry under warrant
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 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]. 2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Infrastructure Services
CEO Conditions on this Sub-Delegation:	Nil

8. BUSH FIRES ACT 1954

8.1 Council to CEO, Shire President and Bush Fire Control Officers

8.1.1 Appoint Authorised Persons

Delegator:	Local Government
Express Power to Delegate:	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.18 Prohibited burning times may be declared by Minister s.59 Prosecution of offences s.59A(2) Alternative procedure – infringement notices
Delegate:	Chief Executive Officer Chief Bush Fire Control Officer Deputy Bush Fire Control Officer
Function:	1. Authority to perform the functions of the local government under the Bush Fires Act 1954.
Council Conditions on this Delegation:	a. Authority excludes powers and duties that: b. Are prescribed in the Act with a requirement for a resolution of the local government; or c. Are prescribed by the Act for performance by other designated officers.
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

Delegation Register

Shire of Exmouth



8.1.2 Prosecution of Offences

Delegator:	Local Government
Express Power to Delegate:	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.18(1) Prohibited burning times may be declared by Minister s.59 Prosecution of offences s.59A(2) Alternative procedure – infringement notices
Delegate:	Chief Executive Officer Chief Bush Fire Control Officer Deputy Chief Bush Fire Control Officer
Function:	<ol style="list-style-type: none"> 1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59]. 2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

8.1.3 Restricted Burning Times – Vary and Control Activities

Delegator:	Local Government
Express Power to Delegate:	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15]. 2. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C]. 3. Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)]. 4. Authority to issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)]. 5. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)]. 6. Authority to recover the cost of measures taken by the Shire of Exmouth or Bush Fire Control Officer, to extinguish a fire burning during Prohibited Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Delegation Register

Shire of Exmouth



8.1.4 Control of Operations likely to Create a Bush Fire Danger

Delegator:	Local Government
Express Power to Delegate:	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<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
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: <ol style="list-style-type: none"> 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]. <i>Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.</i>
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

Delegation Register

Shire of Exmouth



8.1.5 Firebreaks

Delegator:	Local Government
Express Power to Delegate:	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.33 Local government may require occupier of land to plough or clear fire-breaks
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 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 Exmouth: <ol style="list-style-type: none"> 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)]. <ol style="list-style-type: none"> 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)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

Delegation Register

Shire of Exmouth



8.1.6 Prosecution of Offences

Delegator:	Local Government
Express Power to Delegate:	Bush Fires Act 1954 s.48 Delegation by local government
Express Power or Duty Delegated:	Bush Fires Act 1954: s.59 Prosecution of offences s. 59A(2)(4) &(5) Alternative procedure – infringement notices
Delegate:	Chief Executive Officer Chief Bush Fire Control Officer Deputy Chief Bush Fire Control Officer
Function:	1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59]. 2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)(4)(5)]
Council Conditions on this Delegation:	a. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	NIL – Sub-delegation is prohibited by s.48(3)
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

Delegation Register

Shire of Exmouth



8.1.7 Control and Extinguishment of Bush Fires

Delegator:	Local Government
Express Power to Delegate:	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.46 Bush fire control officer or forest officer may postpone lighting fire
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46(1A)]. a. Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised CALM Act office is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

Delegation Register

Shire of Exmouth



8.1.8 Recovery of Expense Incurred through Contravention of this Act

Delegator:	Local Government
Express Power to Delegate:	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.58 General penalty and recovery of expenses incurred
Delegate:	Chief Executive Officer
Function:	1. Authority to recover expenses incurred as a result of an offence against the Bush Fires Act, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Shire of Exmouth or those on behalf of the Shire of Exmouth to do [s.58].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

9. LITTER ACT 1979

9.1 Council to CEO

9.1.1 Appoint Authorised Persons

Delegator:	Local Government
Express Power to delegate:	<i>Litter Act 1979</i> s.26(1)(C)(ii) Authorised Officers, appointment and jurisdiction of
Express Power or Duty Appointed:	<i>Litter Act 1979</i> s.27 Authorised officers, powers of s.27A Offences involving vehicles, presumptions as to offender etc. s.30 Infringement notices
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. To issue infringement notices [s.30(1)] 2. To withdraw an infringement notice [s.30(4)&(4A)] 3. The powers and functions of authorised officers [s.27] 4. To institute a prosecution [s.27A]
Conditions on this Appointment:	Nil
Express Power to Sub-Delegate:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

10. EMERGENCY MANAGEMENT ACT 2005

10.1 Council to CEO/Employees

10.1.1 Power of Local Government to Destroy Vegetation or Premises in Cyclone Area

Delegator:	Local Government
Express Power to delegate:	<i>Emergency Management Act 2005</i> s.45 Exercise of powers under this division
Express Power or Duty Appointed:	<i>Emergency Management Act 2005</i> s.46 Power of local government to destroy dangerous vegetation or premises in cyclone area s.47 Local government may require owner or occupier of land to take action. s.48 Additional powers when direction given
Delegate:	Chief Executive Officer
Function:	1. Powers and functions of local government during a cyclone under Part 3 Division 3 of the Emergency Management Act 2005.
Conditions on this Appointment:	Nil
Express Power to Sub-Delegate:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Infrastructure Services
CEO Conditions on this Sub-Delegation:	Nil

11. PLANNING AND DEVELOPMENT ACT 2005

11.1 Council to CEO

11.1.1 Illegal Development

Delegator:	Local Government
Express Power to Delegate:	<p><i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> r.82 Delegations by local government r.79 Entry and Inspection powers</p>
Express Power or Duty Delegated:	<p><i>Planning and Development Act 2005:</i> Section 214(2), (3) and (5)</p>
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 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; 2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> (a) to remove, pull down, take up, or alter the development; and (b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority. 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.
Conditions on this Appointment:	Nil
Express Power to Sub-Delegate:	<p>Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees</p>
Sub-Delegate/s: <i>Appointed by CEO</i>	<p>Deputy CEO/ Community and Economic Growth Senior Planning Officer Strategic Planning Officer</p>
CEO Conditions on this Sub-Delegation:	Nil

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Shire of Exmouth



11.1.2 Subdivision and Amalgamation

Delegator:	Local Government
Express Power to Delegate:	<p><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 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> r.82 Delegations by local government</p>
Express Power or Duty Delegated:	<p><i>Planning and Development Act 2005</i> s.142 To make recommendations and objections with respect to a subdivision plan</p>
Delegate:	Chief Executive Officer
Function:	Provide correspondence regarding powers and function described below in the Planning and Development Act 2005, To make recommendations and objections with respect to a subdivision plan.
Conditions on this Appointment:	<ol style="list-style-type: none"> 1. Recommendations and/or objections must be made within 42 day of receipt of the plan or copy being received by the local government. 2. Compliance with the relevant requirements of the Local Planning Scheme No. 4, R-Codes, Local Development Plan, Structure Plan, Local Planning Strategy and Council Planning Policies.
Express Power to Sub-Delegate:	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy CEO/ Community and Economic Growth Senior Planning Officer Strategic Planning Officer
CEO Conditions on this Sub-Delegation:	Nil

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11.1.3 Built Strata Subdivision

Delegator:	Local Government
Express Power to Delegate:	<p><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 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> r.82 Delegations by local government</p>
Express Power or Duty Delegated:	<p><i>Planning and Development Act 2005</i> s. 16 Delegation by Commission</p>
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> approve built strata applications consistent with West Australian Planning Commission delegations; and exercise discretion and make recommendations to the Western Australian Planning Commission where the local government is not delegated to make a determination on a built strata application.
Conditions on this Appointment:	<ol style="list-style-type: none"> the imposition of relevant conditions and advice on any approval proposed to be granted, that are considered necessary to secure the objectives of any relevant planning document adopted by the local government or state governing body. compliance with the relevant requirements of Local Planning Scheme No. 4, R-Codes, Local Development Plan, Structure Plan, Local Planning Strategy and Council Planning Policies. The Chief Executive Officer is delegated authority to certify the conditions imposed on an approval granted to land contained within the municipality, that pertain to the Shire's jurisdiction, role and function, have been completed and fulfilled to the satisfaction of the Shire.
Express Power to Sub-Delegate:	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Sub-Delegate/s: <i>Appointed by CEO</i>	<p>Deputy CEO/ Community and Economic Growth Senior Planning Officer Strategic Planning Officer</p>
CEO Conditions on this Sub-Delegation:	Nil

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11.1.4 Enforcement Powers

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42(1b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Planning and Development Act 2005:</i> Section 214(2), (3) and (5)
Delegate:	Chief Executive Officer
Function:	The enforcement powers and functions described below in the <i>Planning and Development Act 2005</i> : 1. Apply for an injunction [s.216(1)] 2. Commence a prosecution [s.218]
Conditions on this Appointment:	Nil
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy CEO/ Community and Economic Growth
CEO Conditions on this Sub-Delegation:	Nil

11.1.5 Authorised Person – Infringement Notices and Enforcement Powers

Delegator:	Local Government
Express Power to Delegate:	<p><i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> r.82 Delegations by local government r.79 Entry and Inspection powers</p>
Express Power or Duty Delegated:	<p><i>Planning and Development Act 2005:</i> s. 214 Illegal development, responsible authority's powers as to s.228 Giving of infringement notice s.229 Content of infringement notice s.230 Extending time to pay modified penalty s.231 Withdrawal of infringement notice s.234 Designated person, appointment of</p>
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Issue a direction notice, pursuant to section 214 and 218. 2. Appoint a Shire of Exmouth employee to give an infringement notice in accordance with section 228. 3. Determine the content of an infringement notice in accordance with section 229. 4. Grant an extension of up to 28 days in exceptional circumstances for the alleged offender to pay the infringement notice in accordance with section 230. 5. Withdraw an infringement notice in exceptional circumstances in accordance with section 231.
Conditions on this Appointment:	<p>*Please note the s. 234 of the <i>Planning and Development Act 2005</i> states: "234. Designated persons, appointment of</p> <ol style="list-style-type: none"> 1) The chief executive officer of a responsible authority may, in writing, appoint persons or classes of persons to be designated persons for the purposes of section 228, 229, 230 or 231 or for the purposes of 2 or more of those sections. 2) A person who is authorised to give infringement notices under section 228 is not eligible to be a designated person for the purposes of any of the other sections."
Express Power to Sub-Delegate:	<p>Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees</p>
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy CEO / Community and Economic Growth (1,3) Senior Planning Officer (1, 3)
CEO Conditions on this Sub-Delegation:	Nil

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11.1.6 Response to Applications for Public Works

Delegator:	Local Government
Express Power to Delegate:	<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
Express Power or Duty Delegated:	<i>Local Government Act 1995</i> s.5.42(b) Delegation of some powers or duties to the CEO <i>Planning and Development Act 2005:</i> s. 6 Public works, Act does not interfere with
Delegate:	Chief Executive Officer
Function:	1. Exercise discretion and make recommendations on applications referred to the Shire pursuant to section 6 of the <i>Planning and Development Act 2005</i> for public works subject to: <ul style="list-style-type: none"> • The notification of relevant provisions that are considered necessary to ensure compliance with the relevant requirements of Local Planning Scheme No. 4, R-Codes, Local Development Plan, Structure Plan, Local Planning Strategy and Council Planning Policies; and • The total value of works being less than \$1 million per application referred.
Conditions on this Appointment:	Nil
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy CEO/ Community and Economic Growth Senior Planning Officer Strategic Planning Officer
CEO Conditions on this Sub-Delegation:	Nil

11.1.7 Development Applications

Delegator:	Local Government
Express Power to Delegate:	<p><i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> Under Schedule 2, Part 10: r.79 Entry and Inspection powers r.82 Delegations by local government</p>
Express Power or Duty Delegated:	<p><i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> Under Part 9 of Schedule 2: r. 68 Determination of applications r. 70 Form and date of determination r. 77 Amending or cancelling applications</p>
Delegate:	Chief Executive Officer
Function 1:	<ol style="list-style-type: none"> 1. To determine development applications and impose conditions [r.68]. 2. To determine whether to amend or cancel development applications and impose conditions [r.70]. [r.77].
Conditions on this Appointment:	<ol style="list-style-type: none"> a. The delegated power under 1 and 2 (regulations 68 and 77) is conditional upon each of the following: <ul style="list-style-type: none"> • The use in the development application is listed in the zoning table in the local planning scheme; Either: • no third-party objections have been received (whether the application has been advertised or not); or i. third party objections have been received Unless in the opinion of the Chief Executive Officer or their delegate: ii. a) The proposal is consistent with the objectives and intent of Local Planning Scheme No.4, the Residential Design Codes and any relevant Council Policy, and iii. b) The objection can be overcome by imposing a condition on any approval granted, or modifying the design of the development; or iv. c) The objection does not relate to the matter for which it has been referred and/or does not relate to valid planning or development grounds associated with the proposal; or v. d) The application is refused. vi. Has a development value of less than \$10,000,000.
Function 2:	<p>Amendments and Cancellations to Previously Approved Development Authority is granted to determine applications to amend or cancel previously Council approved developments, and Development Assessment Panel Form 2 Applications</p>
Function 3:	<p>Approvals for Development Applications – Use Not Listed Types Previously Determined by Council Authority granted to make determinations on development applications for “Use Not Listed” types that have previously been determined by Council.</p>

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Express Power to Sub-Delegate:	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 Part 10 cl 83(1) Local government CEO may delegate powers.
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy CEO/ Community and Economic Growth Senior Planning Officer Strategic Planning Officer
CEO Conditions on this Sub-Delegation:	Nil

11.1.8 Structure Plans and Local Development Plans

Delegator:	Local Government
Express Power to Delegate:	<p><i>Local Government Act 1995</i></p> <p>s.5.42(b) Delegation of some powers or duties to the CEO</p> <p>s.5.43 Limitations on delegations to the CEO</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015:</i></p> <p>r.82 Delegations by local government</p> <p>r.79 Entry and Inspection powers</p>
Express Power or Duty Delegated:	<p><i>Planning and Development Act 2005:</i></p> <p>Section 214(2), (3) and (5)</p> <p>Under Parts 4, 5 and 6 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations:</i></p> <p>r. 17Action by local government on receipt of application</p> <p>r.18Advertising structure plan</p> <p>r.19Consideration of submission</p> <p>r.20Local government report to Commission</p> <p>r.29 Amendment of structure plan</p> <p>r.48 Preparation of local development plan</p> <p>r.50 Advertising of local development plan</p> <p>r.51 Consideration of submission</p> <p>r.52 Decision of local government</p> <p>r.53 Local development plan may provide for later approval of details of development</p> <p>r.59 Amendment of local development plan</p>
Delegate:	Chief Executive Officer
Function:	<ul style="list-style-type: none"> • To determine if a proposed structure plan complies with regulation 16(1) or if further information is required [r.17(1)]. • To determine whether to advertise a proposed structure plan and seek comment from any public authority or utility provider [r.18(1)]. • To consider any submissions made in respect of a proposed structure plan [r.19(1)]. • To prepare a report on the proposed structure plan and provide it to the Commission [r.20(1)]. • To determine if amendment to a Structure Plan requires advertising [r.29(3)]. • To determine if a proposed local development plan complies or if further information is required and give the applicant an estimate of the fee for dealing with the application under regulation [r.49(1)]. • To determine whether to advertise a proposed local development plan and seek comment from any public authority or utility service provider [r.50(1)].

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	<ul style="list-style-type: none"> • To consider any submission made in respect of a proposed local development plan [r.51]. • To determine a local development plan for approval, approval subject to modification or refusal [r.52(1)]. • To approve a local development plan that provides for further details [r.53]. • To amend a local development plan [r.59(1)]. • To determine whether to advertise an amendment of a local development plan [r.59(4)].
Conditions on this Appointment:	Nil
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Senior Planning Officer Strategic Planning Officer
CEO Conditions on this Sub-Delegation:	Nil

11.2 Local Planning Scheme - Council to CEO

11.2.1 Shire of Exmouth Operative Local Planning Scheme

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42(1)(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.5.42(1)(b) Delegation of some powers or duties to the CEO (limited to only s.214(2), (3) or (5) of the Planning and Development Act.
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Hold in abeyance or return to an applicant for rectification, any development (planning) application that does not contain adequate or sufficient information necessary to properly assess, evaluate, and determine the application in accordance with the Scheme provisions, Council Policy provisions and the matters listed in clause 67 of the Deemed provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, or any other information deemed necessary to properly assess and determine the application; 2. Determine the land use classification applicable to the proposed use/development for which approval is sought; 3. Determine whether the proposed use/works falls within the classes of development exempt from obtaining development approval pursuant to clause 61 of the Deemed provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>; 4. Determine and effect the consultation of a development (planning) application pursuant to clause 64 of the Deemed provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>; 5. Authority to determine non-planning related objections. Objections against compliant aspects of development (planning) applications or are non-planning related are considered to be non-valid objections to the proposal. 6. To grant approval to a development (planning) application for a development which is determined to comply with the design principles of the R-Codes and where no objections have been received. 7. To grant approval to a development (planning) application for a development designated as a 'P' use , 'I' use or 'A' use in the scheme, and is determined to comply with relevant provisions and standards prescribed by the scheme, Council planning policies, structure plan, local development plan, local planning strategy and R-Codes where applicable;

	<p>8. To grant approval to a development (planning) application for development which is not listed and/or designated with a permissibility in the scheme where the development is designated as a 'P' use , 'I' use or 'A' use, or the equivalent, by a lawfully adopted planning instrument;</p> <p>9. In exceptional circumstances where a development application is determined not to have any adverse effect on the amenity of the locality, following its referral to surrounding affected land owners and no objecting submissions being received, approve a development (planning) application which varies site and development requirements relating to:</p> <ul style="list-style-type: none"> ii. Side and rear setbacks; iii. Front setback variations up to 0.5 metres; iv. Wall height and/or maximum pitched roof height variations up to 0.5 metres; v. Outbuilding area variations up to 10%; vi. Signage dimension and/or maximum height variations up to 0.5 metres; vii. Signage area variations up to 0.5m². <p>10. To grant approval to an annual permit application for a Holiday House, Holiday Accommodation, Bed and Breakfast, Guesthouse, Home Occupation and Home Business approved land use where no complaints have been received in the previous 12 months, and complies with all relevant provisions and standards prescribed by the scheme, Council planning policies, structure plan, local development plan, local planning strategy and R-Codes where applicable;</p> <p>11. To grant approval to a development (planning) application relating to a non-conforming use, and is determined to comply with relevant provisions and standards prescribed by the scheme, Council planning policies, structure plan, local development plan, local planning strategy and R-Codes where applicable;</p> <p>12. To refuse to a development (planning) application relating to a non-conforming use, and is determined not to comply with relevant provisions and standards prescribed by the scheme, Council planning policies, structure plan, local development plan, local planning strategy and R-Codes where applicable;</p> <p>13. Certify that any condition imposed on any development (planning) approval has been completed and fulfilled to the Executive Manager's satisfaction;</p> <p>14. To grant approval to a development (planning) application for an advertising devise/sign in any zone listed in the scheme that complies with relevant provisions prescribed by the scheme, Council planning policies, structure plan, local development plan, local planning strategy and R-Codes where applicable;</p> <p>15. To grant approval to a development (planning) application for an extension of time to commence development of a development (planning) approval;</p>
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Delegation Register

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	<p>16. To grant approval to amend or delete any condition to which development (planning) approval is granted under delegation, and/or to amend an aspect of the development approved which, if amended, would not substantially change the development approved under delegation or cancel a development (planning) approval determined under delegation at request of the applicant/owner in accordance with clause 77 of the deemed provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>; and</p> <p>17. Impose conditions and advice on the approval granted under delegation that are considered necessary to secure the relevant provisions prescribed by the scheme, Council planning policies, structure plan, local development plan, local planning strategy and R-Codes where applicable.</p> <p>18. To grant approval to a development (planning) application for a ‘Holiday Accommodation’ land use where no submissions objecting to the proposal have been received and the proposal is determined to comply with relevant provisions and standards prescribed by the scheme, Council planning policies, structure plan, local development plan, local planning strategy and R-Codes where applicable;</p> <p>19. To grant approval to a development (planning) application for development on land classified as a local planning scheme reserve as follows:</p> <ul style="list-style-type: none"> i. Where the land is in the control and/or management of the Shire of Exmouth; ii. The development is for a permitted use and/or purpose outlined in a lawfully executed lease issued by the Shire of Exmouth; iii. The development is consistent with any objectives outlined for that reserve in the Scheme; and iv. The value of any works is less than \$500,000.
<p>Council Conditions on this Delegation:</p>	<p>Nil</p>
<p>Express Power to Sub-Delegate:</p>	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
<p>Sub-Delegate/s: <i>Appointed by CEO</i></p>	<p>Deputy CEO /Community and Economic Growth Senior Planning Officer Strategic Planning Officer</p>
<p>CEO Conditions on this Sub-Delegation:</p>	<p>Nil</p>

12. STATUTORY AUTHORISATION AND DELEGATIONS TO LOCAL GOVERNMENT FROM STATE GOVERNMENT ENTITIES

12.1 Planning and Development Act 2005

12.1.1 Instrument of Authorisation – Sign Development Applications for Crown Land as Owner

Delegator:	The Minister of Lands pursuant to section 267A of the Act delegated this power directly to the CEO of any local government (see Government Gazette dated 2 June 2016)
Express Power to delegate:	The power to sign as owner in respect of Crown land relating to development applications under the <i>Planning and Development Act 2005</i> , subject to the below conditions.
Delegate:	Chief Executive Officer
Function:	1. The power to sign as owner in respect of Crown Land under Management Order and consistent with reserves purpose.
Conditions on this Appointment:	<p>The powers in Column 1 subject to the conditions in Column 3 of the Schedule to Government Gazette dated 2 June 2016:</p> <p><i>Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the Planning and Development Act 2005 (including any planning scheme). The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.</i></p>

DoL FILE 1738/2002v8; 858/2001v9

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF AUTHORISATION

I, **Donald Terrence Redman MLA**, Minister for Lands, a body corporate continued by section 7(1) of the *Land Administration Act 1997*, under section 267A of the *Planning and Development Act 2005*, HEREBY authorise, in respect of each local government established under the *Local Government Act 1995* and listed in Column 2 of the Schedule, the person from time to time holding or acting in the position of Chief Executive Officer of the relevant local government, to perform the powers described in Column 1 of the Schedule subject to the conditions listed in Column 3 of the Schedule.

Dated the 2nd day of June 2016



**HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS**

SCHEDULE

This is the Schedule referred to in an Instrument of Authorisation relating to Development Applications under the *Planning and Development Act 2005*

Column 1	Column 2	Column 3
<p>The power to sign as owner in respect of Crown land that is:</p> <ul style="list-style-type: none"> a reserve managed by the local government pursuant to section 46 of the <i>Land Administration Act 1997</i> and the development is consistent with the reserve purpose and the development is not for a commercial purpose; or the land is a road of which the local government has the care, control and management under section 55(2) of the <i>Land Administration Act 1997</i> and where there is no balcony or other structure proposed to be constructed over that road unless that structure comes within the definition of a "minor encroachment" in the Building Regulations 2012 (Regulation 45A), or is an "awning, verandah or thing" (Regulation 45B), or is a ground anchor, and where the development is consistent with the use of the land as a road, <p>in respect of development applications being made under or referred to in:</p> <p>(i) section 99(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);</p> <p>(ii) section 103(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a local interim development order (as that term is defined in that Act);</p> <p>(iii) section 115 of the <i>Planning and Development Act 2005</i> in respect of development within a planning control area (as that term is defined in that Act);</p> <p>(iv) section 122A of the <i>Planning and Development Act 2005</i> in respect of which approval is required under an improvement scheme (as that term is defined in that Act);</p> <p>(v) section 162 of the <i>Planning and Development Act 2005</i> in respect of developments for which approval is required under a planning scheme or interim development order (as those terms are defined in that Act);</p> <p>(vi) section 163 of the <i>Planning and Development Act 2005</i> in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the <i>Heritage of Western Australia Act 1990</i>, or of which such a place forms part;</p> <p>(vii) section 171A of the <i>Planning and Development Act 2005</i> in respect of a prescribed development application (as that term is defined in that section of that Act).</p>	<p>City of Albany City of Armadale Shire of Ashburton Shire of Augusta-Margaret River Town of Bassendean City of Bayswater City of Belmont Shire of Beverley Shire of Boddington Shire of Boyup Brook Shire of Bridgetown-Greenbushes Shire of Brookton Shire of Broome Shire of Broomehill-Tambellup Shire of Bruce Rock City of Bunbury Shire of Busselton Town of Cambridge City of Canning Shire of Capel Shire of Carnamah Shire of Carnarvon Shire of Chapman Valley Shire of Chittering Shire of Christmas Island Town of Claremont City of Cockburn Shire of Cocos (Keeling) Islands Shire of Collie Shire of Coolgardie Shire of Coorow Shire of Corrigin Town of Cottesloe Shire of Cranbrook Shire of Cuballing Shire of Cue Shire of Cunderdin Shire of Dalwallinu Shire of Dandaragan Shire of Dardanup Shire of Denmark Shire of Derby/West Kimberley Shire of Donnybrook-Balingup Shire of Dowerin Shire of Dumbleyung Shire of Dundas Town of East Fremantle Shire of East Pilbara Shire of Esperance Shire of Exmouth City of Fremantle City of Greater Geraldton</p> <p>Shire of Gingin Shire of Gnowangerup Shire of Goomalling City of Gosnells Shire of Halls Creek Shire of Harvey Shire of Irwin Shire of Jerramungup City of Joondalup Shire of Kalamunda City of Kalgoorlie-Boulder Shire of Katanning Shire of Kellerberrin Shire of Kent Shire of Kojonup Shire of Kondinin Shire of Koorda Shire of Kulin City of Kwinana Shire of Lake Grace Shire of Laverton Shire of Leonora City of Mandurah Shire of Manjimup Shire of Meekatharra City of Melville Shire of Menzies Shire of Merredin Shire of Mingenew Shire of Moora Shire of Morawa Town of Mosman Park Shire of Mount Magnet Shire of MR Marshall Shire of Mukinbudin Shire of Mundaring Shire of Murchison Shire of Murray</p>	<p>In accordance with and subject to approved Government Land policies.</p> <p>Any signature subject to the following endorsement: Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the <i>Planning and Development Act 2005</i> (including any planning scheme). The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.</p>

Delegation Register

Shire of Exmouth



Shire of Nannup
Shire of Narembean
Shire of Narrogin
Town of Narrogin
City of Nedlands
Shire of Ngaanyatjaraku
Shire of Northam
Shire of Northampton
Shire of Nungarin
Shire of Peppermint Grove
Shire of Perenjori
City of Perth
Shire of Pingelly
Shire of Plantagenet
Town of Port Hedland
Shire of Quairading
Shire of Ravensthorpe
City of Rockingham
Shire of Roebourne
Shire of Sandstone
Shire of Serpentine Jarrahdale
Shire of Shark Bay
City of South Perth
City of Stirling
City of Subiaco
City of Swan

Shire of Tammin
Shire of Three Springs
Shire of Toodyay
Shire of Trayning
Shire of Upper Gascoyne
Town of Victoria Park
Shire of Victoria Plains
Town of Vincent
Shire of Wagin
Shire of Wandering
City of Wanneroo
Shire of Waroona
Shire of West Arthur
Shire of Westonia
Shire of Wickepin
Shire of Williams
Shire of Wiluna
Shire of Wongan-Ballidu
Shire of Woodanilling
Shire of Wyalkatchem
Shire of Wyndham-East Kimberley
Shire of Yalgoo
Shire of Yilgarn
Shire of York

HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS

2nd day of June 2016

12.2 Environmental Protection Act 1986

12.2.1 Noise Control – Environmental Protection Notices [Reg.65(1)]

Published by:
Environment

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Western Australia
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No. 47. 19-Mar-2004
Page: 919 [Pdf](#) - 476kb

EV401

ENVIRONMENTAL PROTECTION ACT 1986

Section 20

Delegation No. 52

Pursuant to section 20 of the *Environmental Protection Act 1986*, the Chief Executive Officer hereby delegates as follows—

Powers and duties delegated—

All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice.

Persons to whom delegation made—

This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the *Local Government Act 1995*.

Pursuant to section 59(1)(e) of the *Interpretations Act 1984*, Delegation No. 32, dated 4 February 2000 is hereby revoked.

Dated this 9th day of January 2004.

Approved—

FERDINAND TROMP, A/Chief Executive Officer.

Dr JUDY EDWARDS MLA, Minister for the Environment.

12.2.2 Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events

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No. 232. 20-Dec-2013
Page: 6282 [Pdf](#) - [3Mb](#)

EV402

ENVIRONMENTAL PROTECTION ACT 1986

Delegation No. 112

I, Jason Banks, in my capacity as Acting Chief Executive Officer of the Department of Environment Regulation responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to any person for the time being holding or acting in the office of a Chief Executive Officer under the *Local Government Act 1995*, my powers and duties under the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation, in relation to--

- (a) waste collection and other works--noise management plans relating to specified works under regulation 14A or 14B;
- (b) bellringing or amplified calls to worship--the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi);
- (c) community activities--noise control notices in respect of community noise under regulation 16;
- (d) motor sport venues--noise management plans in relation to motor sport venues under Part 2 Division 3;
- (e) shooting venues--noise management plans in relation to shooting venues under Part 2 Division 4;
- (f) calibration results--requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;
- (g) sporting, cultural and entertainment events--approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation--
 - (i) Subregulation 18(13)(b) is not delegated.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 68, gazetted 22 June 2007 is hereby revoked.

Dated the 12th day of December 2013.

JASON BANKS, Acting Chief Executive Officer.

Approved by--

JOHN DAY, Acting Minister for Environment; Heritage.

12.2.3 Noise Management Plans – Construction Sites

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Environment

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Western Australia
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No. 71. 16-May-2014
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EV405

ENVIRONMENTAL PROTECTION ACT 1986

Delegation No. 119

I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to the holder for the time being of the offices of--

(a) Chief Executive Officer under the *Local Government Act 1995*; and

(b) to any employee of the local government under the *Local Government Act 1995* who is appointed as an Authorised Person under section 87 of the Act,

all my powers and duties in relation to noise management plans under regulation 13 of the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 111, gazetted 20 December 2013, is hereby revoked.

Dated the 1st day of May 2014.

JASON BANKS, Acting Chief Executive Officer.

12.3 Main Roads Act 1930

12.3.1 Traffic Management – Road Works

A list of Local Governments authorised for the purposes of Road Traffic Code 2000 r.297(2) are available on Main Roads WA website [here](#)



Government of
Western
Australia



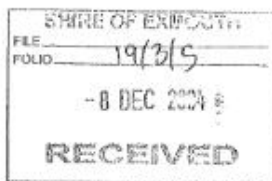
ABN: 50 880 676 021

Enquiries: Kamal Weeratunga on (08) 9323 4604
Our Ref: 04/1706-02
Your Ref: 19/3/5 KJG/LGD Main Roads 21Sep04

3 December 2004

Chief Executive Officer
Shire Of Exmouth
PO Box 21
EXMOUTH WA 6707

ATTENTION: KERRY GRAHAM



Dear Sir

AUTHORITY TO USE TRAFFIC SIGNS AND DEVICES AT ROADWORKS NEW INSTRUMENT OF AUTHORISATION

I refer to your letter of 21 September 2004 regarding the above.

Please find herewith enclosed an Instrument of Authorisation executed by the Commissioner of Main Roads, for your retention. This Instrument of Authorisation enables the Shire of Exmouth and its Representatives to use traffic signs and devices for works on roads within its jurisdiction, subject to the conditions attached to the Instrument of Authorisation, without further approval from Main Roads. The Shire of Exmouth will be added to the list of Authorised Bodies on Main Roads' website at www.mainroads.wa.gov.au (Traffic < Roadworks < Administration).

I thank you for taking the opportunity to become an Authorised Body by signing the Instrument of Authorisation and trust that the Shire of Exmouth will use traffic signs and devices for works on roads in a safe and appropriate manner as per the Main Roads' Traffic Management for Works on Roads Code of Practice.

If you require any further information please contact Kamal Weeratunga on (08) 9323 4604. In reply please quote file reference 04/1706-02.

Yours faithfully

Kamal Weeratunga
ROAD SAFETY ENGINEER

Enc - Instrument of Authorisation executed by the Commissioner of Main Roads

*CEB
WMM-1*

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**WESTERN AUSTRALIA
ROAD TRAFFIC CODE 2000
REGULATION 297(2)
INSTRUMENT OF AUTHORISATION**

Pursuant to Regulation 297(2) of the Road Traffic Code 2000 the Commissioner of Main Roads ("the Commissioner") hereby authorises the Shire of Exmouth...
("Authorised Body") by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such traffic signs and traffic control devices of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any works, survey or inspection, associated with the construction, maintenance or repair on a road (other than a main road or highway), any adjoining land or any portion thereof within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Works on Roads Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Roadworks Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the relevant works, a copy of which can be obtained from Main Roads Western Australia from www.mainroads.wa.gov.au or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

This Instrument of Authorisation replaces any prior Instrument of Authorisation under Regulation 297(2) of the Road Traffic Code 2000 between the Commissioner and the Authorised Body. The Commissioner's delegation dated 17 July 1975 to a number of Local Governments outside the Perth metropolitan area, is not affected by this Instrument of Authorisation except that this Instrument of Authorisation prevails wherever roadworks are concerned. That 1975 delegation was made under Regulation 301 of the Road Traffic Code 1975 and related to non-regulatory signage.

Delegation Register

Shire of Exmouth



Dated: 31.12.04

THE COMMON SEAL OF THE)
COMMISSIONER OF MAIN ROADS)
WAS AFFIXED BY)
[Signature])
COMMISSIONER OF MAIN ROADS)
FOR THE TIME BEING IN THE PRESENCE OF:)



[Signature]
Signature of Witness
[Signature]
Name of Witness

ACKNOWLEDGMENT BY AUTHORISED BODY

The Shire of Exmouth agrees to observe, perform and be bound by the above conditions.

THE COMMON SEAL OF THE)
SHIRE OF EXMOUTH)
.....)
WAS AFFIXED PURSUANT TO A RESOLUTION)
OF THE COUNCIL IN THE PRESENCE OF)

[Signature]
Chief Executive Officer
[Signature] WA9044
Witness

12.3.2 Traffic Management – Events on Roads

A list of local governments authorised for Traffic Management for Events can be found on the Main Roads WA website [here](#)



**WESTERN AUSTRALIA
ROAD TRAFFIC CODE 2000
REGULATION 297(2)
INSTRUMENT OF AUTHORISATION**

**RELATING TO
TRAFFIC MANAGEMENT FOR EVENTS**

Pursuant to Regulation 297(2) of the *Road Traffic Code 2000* the Commissioner of Main Roads ("the Commissioner") hereby authorises the **Shire of Exmouth** (Authorised Body) by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such road signs of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any:

- i) "event" subject to an order from the Commissioner of Police pursuant to Part VA of the *Road Traffic Act 1974*;
- ii) race meeting or speed test for which the Minister referred to in section 139 of the *Road Traffic Administration Act 2008* has, under that provision, temporarily suspended the operation of any provisions of the *Road Traffic Act 1974* or regulations made under that Act; or
- iii) public meeting or procession the subject of a permit granted by the Commissioner of Police under the *Public Order in Streets Act 1984*;

or as may be required for the purpose of controlling traffic on a road adjacent to, or in the vicinity of, any event or organised activity approved by the Authorised Body under its local laws, on a road (other than a main road or highway) within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Events Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Events Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the event, a copy of which can be obtained from Main Roads Western Australia from www.mainroads.wa.gov.au or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

The powers in this Instrument of Authorisation do not change or replace:

- 1) any prior Instrument of Authorisation from the Commissioner of Main Roads for the purposes of undertaking traffic management for works on roads; and
- 2) any powers and responsibilities of a local government provided in regulation 9 of the *Road Traffic (Events on Roads) Regulations 1991*.

Delegation Register

Shire of Exmouth



Dated: 8th August 2023

THE COMMON SEAL OF THE
COMMISSIONER OF MAIN ROADS

WAS AFFIXED BY PETER WOODROW



COMMISSIONER OF MAIN ROADS

FOR THE TIME BEING IN THE
PRESENCE OF:

Philip O'Soda

Signature of Witness

PHILIP O'SODA

Name of Witness (please print)

ACKNOWLEDGMENT BY AUTHORISED BODY

Shire of Exmouth agrees to unconditionally observe,
perform and be bound by the above conditions.

THE COMMON SEAL of

Shire of Exmouth

Was affixed pursuant to a resolution of
the Council in the presence of:

Signature of Chief Executive Officer

Signature of Witness

D. ALLEN

Name of Witness (please print)

Shire President, Shire of Exmouth

