



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"> <li>Executive Manager Commercial and Community now</li> <li>Senior Information Officer now Information Management Officer</li> </ul>	N/A
Nov 2022		Full Register Review – OCM 24 November 2022	02-1122
Dec 2023		Full Register Review – OCM 14 December 2023	08-1223
12/12/2024	Various	Position/Title update throughout the register following an organisational restructure: <ul style="list-style-type: none"> <li>Deputy CEO/ Community Economic Growth – REMOVE position no longer exists.</li> <li>Executive Manager Corporate Services REPLACE with Chief Financial Officer.</li> <li>Executive Manager Infrastructure Services REPLACE with Chief Operations Officer</li> </ul>	05-1224

# Delegation Register

Shire of Exmouth



		<ul style="list-style-type: none"> <li>• Environmental Health Officer REPLACE with Coordinator Environmental Health</li> <li>• Coordinator Compliance and Emergency Services REPLACE with Manager Community and Emergency Services</li> <li>• Senior Planning Officer REMOVE – position no longer exists</li> </ul> <p><i>Note: in some instances, due to reporting line changes, delegations that were allocated to the Executive Manager Infrastructure Services are now allocated to the Chief Financial Officer and delegations allocated to the Executive Manager Corporate Services are now allocated to the Chief Operations Officer.</i></p> <p>Full Register Review – OCM 12 December 2024</p>	
15/04/2025	11.2.1	Express Power or Duty Delegated updated due to administrative error. This previously referred to s.214(2), (3) or (5) of the Planning and Development Act, noting there is currently a delegation (11.1.1) dealing with applications pertaining to s. 214.	N/A
28/08/2025	12.1.2	Annual Register Review	05-0825

## 1. LOCAL GOVERNMENT ACT 1995

### 1.1 Council to Chief Executive Officer

#### 1.1.1 Performing Functions Outside Own District

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.20(1) Performing functions outside district
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Determine the circumstances where it is appropriate for the Local Government's functions to be performed outside the District and prior to implementing such a decision, obtain the consent of the landowner/s and occupier/s and any other person that has control or management of the land impacted by the performance of the function [s.3.20(1)].
<b>Council Conditions on this Delegation:</b>	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.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Chief Operations Officer</b> <b>Chief Financial Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 1.1.2 Declare Vehicle is Abandoned Vehicle Wreck

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.40A(4) Abandoned vehicle wreck may be taken
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
<b>Council Conditions on this Delegation:</b>	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.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Chief Operations Officer</b> <b>Chief Financial Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 1.1.3 Confiscated or Uncollected Goods

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.46 Goods May be withheld until costs paid s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to refuse to allow goods impounded under s.3.39, s3.40 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. [s.3.46]</li> <li>2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47].</li> <li>3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48]. [Refer s.3.40(3), s.3.42(1)(b), 3.47(2)(b), and 3.44]</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>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.</li> <li>b. NOTE – In terms of s 3.40A(1) declared abandoned vehicle wreck may only be removed and impounded by a person duly authorised under S 9.10 (<i>Local Government Act 1995</i>). Authority to appoint authorised person for this purpose may be delegated refer Delegated Authority 1.2.4 Appoint Authorised Persons.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Chief Operations Officer</b> <b>Chief Financial Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 1.1.4 Disposal of Sick or Injured Impounded Animals

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)].</li> <li>2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Chief Operations Officer</b> <b>Chief Financial Officer</b> <b>Manager Community and Emergency Services</b> <b>Ranger</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 1.1.5 Disposing of Property

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.58(2) & (3) Disposing of Property <i>Local Government (Functions and General) Regulations 1996:</i> R.30 Dispositions of property excluded from Act s.3.58
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to dispose of property to: <ol style="list-style-type: none"> <li>(a) to the highest bidder at public auction [s.3.58(2)(a)].</li> <li>(b) to the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tenders [s.3.58(2)(b)]</li> </ol> </li> <li>2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].</li> <li>3. Authority to dispose of property, that is prescribed as exempt from the provisions of s.3.58: <ol style="list-style-type: none"> <li>(a) disposal of land to an adjoining owner, where the market value is less than \$5000 and the delegate has determined that the land would not be of benefit to anyone other than the adjoining owner. [F&amp;G.r.30(2)(a)]</li> <li>(b) disposal of land, by lease, to an employee of the local government for use as the employee's residence [F&amp;G.r.30(2)(d)].</li> <li>(c) disposal of land, by lease, for a period of less than 2 years during all or any of which time the lease dose not give the lessee the exclusive use of the land. [F&amp;G..r.30(2)(e)]</li> <li>(d) disposal of land, by lease, of a residential property to a person for residential purposes [F&amp;G.r.30(2)(f)].</li> <li>(e) disposal of property (other than land / buildings), where the property is disposed within 6 months after it has been unsuccessfully put out to auction, public tender or private treaty via Statewide public notice[F&amp;G.r.(2A)</li> <li>(f) disposal of property, other than land / buildings, where the market value is determined as less than \$20,000. [F&amp;G r.30(3)(a)]</li> <li>(g) disposal of property, other than land / buildings, where the entire consideration received for the disposal is used to purchase other property AND the total value of the other property is not more, or worth more, than \$75,000. [F&amp;G.r.30(3)(b)]</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required.</li> <li>b. In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of \$500,000 or less.</li> <li>c. When determining the method of disposal: <ul style="list-style-type: none"> <li>• Where a public auction is determined as the method of disposal:</li> </ul> </li> </ol>

	<ul style="list-style-type: none"> <li>○ Reserve price has been set by independent valuation.</li> <li>○ Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price.</li> <li>● Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method.</li> <li>● Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to:             <ul style="list-style-type: none"> <li>○ Negotiate the sale of the property up to a -10% variance on the valuation; and</li> <li>○ Consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a decision are recorded.</li> </ul> </li> <li>● A disposal under Functions and General Regulations 30(2)(a),(f), (2A) or (3)(a),(b), the disposal method selected must obtain a best value outcome for the Local Government.</li> <li>● A disposal under Functions and General Regulations 30(2)(d), must be assessed as equitable in context of disposals to other employees of the Local Government.</li> <li>● Disposal methodology must consider and where practicable demonstrate environmentally responsible outcomes</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 1.1.6 Payments from Municipal or Trust Fund

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to make payments from the municipal or trust funds [r.12(1)(a)].
<b>Council Conditions on this Delegation:</b>	a. Authority to make payments is subject to annual budget limitations.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Chief Financial Officer</b> <b>Chief Operations Officer</b> <b>Manager Finance</b>
<b>CEO Conditions on this Sub-Delegation:</b>	<ol style="list-style-type: none"> <li>1. Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5.</li> <li>2. Payments by Cheque and EFT transactions must be approved jointly by two of the following delegates: Chief Executive Officer, Chief Financial Officer, or Chief Operations Officer.</li> <li>3. Delegates that approve the payment must not verify the liability. The verification of incurring the liability via the purchase order, invoice and evidence of goods / service received, must be undertaken independent of the payment approval.</li> <li>4. Delegation to the Manager Finance is only to be used when the Chief Officers are not available.</li> </ol>

## 1.1.7 Power to invest and Manage Investments

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996:</i> r.19 Investments, control procedures for
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)].</li> <li>2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. All investment activity must comply with the Financial Management Regulation 19C and Council Investments policy.</li> <li>b. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports.</li> <li>c. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles.</li> <li>d. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within every 3 financial years. [Audit r.17]</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Chief Financial Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b>	<ol style="list-style-type: none"> <li>1. A decision to invest must be jointly confirmed by two Delegates.</li> <li>2. Investment decisions are limited to a maximum of \$2.5 m per transaction</li> <li>3. The Chief Financial Officer may authorise term deposits in accordance with Councils Investment Policy.</li> </ol>

## 1.1.8 Defer, Grant Discounts, Waive or Write off Debts

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.12 Power to defer, grant discounts, waive or write off debts
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Waive a debt which is owed to the Shire of Exmouth [s.6.12(1)(b)].</li> <li>2. Grant a concession in relation to money which is owed to the Shire of Exmouth [s.6.12(1)(b)].</li> <li>3. Write off an amount of money which is owed to the Shire of Exmouth [s.6.12(1)(c)]</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Write-off a rates or service charge debt in accordance with the Financial Hardship Policy [s.6.12(1)(c) &amp;(2)].</li> <li>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"> <li>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.</li> </ol> </li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Chief Financial Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 1.1.9 Power of Entry

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to exercise powers of enter to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law [s.3.28].</li> <li>2. Authority to give notice of entry [s.3.32].</li> <li>3. Authority to seek and execute an entry under warrant [s.3.33].</li> <li>4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)].</li> <li>5. Authority to give notice and effect entry by opening a fence [s.3.36].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>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.</li> <li>b. When exercising authority to authorise persons under s.3.31(2): <ul style="list-style-type: none"> <li>• A register of Authorisations is to be maintained as a Local Government Record.</li> <li>• Only persons who are appropriately qualified and trained may be appointed as Authorised persons.</li> <li>• Authorisations are to be provided in writing by issuing a Certificate of Authorisation.</li> </ul> </li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Chief Operations Officer</b> <b>Chief Financial Officer</b> <b>Manager Works</b> <b>Manager Assets and Engineering</b> <b>Manager Community and Emergency Services</b> <b>Coordinator Environmental Health</b> <b>Building Surveyor</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 1.1.10 Agreement as to Payment of Rates and Service Charges

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.49 Agreement as to payment of rates and service charges
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
<b>Council Conditions on this Delegation:</b>	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.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Chief Financial Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 1.1.11 Recovery of Rates or Service Charges

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.56 Rates or service charges recoverable in court s.6.64(3) Actions to be taken
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)].</li> <li>2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. Decisions under this delegation must comply with Council Debt Recovery Policy and Financial Hardship Policy.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Chief Financial Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 1.1.12 Recovery of Rates Debts – Require Lessee to Pay Rent

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<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>
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.60 <i>Local Government may require lessee to pay rent</i>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the Shire of Exmouth [s.6.60(2)].</li> <li>2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. Decisions under this delegation must comply with Council Debt Recovery Policy and Financial Hardship Policy.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 <i>CEO may delegate some powers and duties to other employees</i>
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Chief Financial Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

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

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<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>
<b>Express Power or Duty Delegated:</b>	<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>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to take possession of land and hold the land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years [s.6.64(1)], including: <ol style="list-style-type: none"> <li>i. lease the land, or</li> <li>ii. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: <ol style="list-style-type: none"> <li>I. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or</li> <li>II. cause the land to be transferred to the Shire of Exmouth [s.6.71].</li> </ol> </li> </ol> </li> <li>2. Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, service charges and costs within 7 days of and prior to the proposed sale [s.6.69(2)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Decisions under this delegation must comply with Council Debt Recovery Policy and Financial Hardship Policy.</li> <li>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.</li> <li>c. Exercise of this delegation must comply with the procedures set out in Schedule 6.3 of the <i>Local Government Act 1995</i>.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 <i>CEO may delegate some powers and duties to other employees</i>
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 1.1.14 Rate Record - Objections

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</i>
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995: s.6.76 Grounds of objection</i>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)].</li> <li>2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	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.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees</i>
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Chief Financial Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 1.1.15 Rate Record Amendment

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.39(2)(b) Rate record
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)].
<b>Council Conditions on this Delegation:</b>	a. Delegates must comply with the requirements of s.6.40 of the Act.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 1.1.16 Certain things to be done in respect of Land

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Appointed:</b>	<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
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	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.).
<b>Conditions on this Appointment:</b>	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.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Chief Operations Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 1.1.17 Close Thoroughfares to Vehicles

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.50 Closing certain thoroughfares to vehicles s.3.50 A Partial closure of thoroughfare for repairs or maintenance s.3.51 Affected owners to be notified of certain proposals
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)].</li> <li>2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: <ol style="list-style-type: none"> <li>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</li> <li>ii. consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)].</li> </ol> </li> <li>3. Authority to revoke an order to close a thoroughfare [s.3.50(6)].</li> <li>4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A]</li> <li>5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s.3.51].</li> </ol>
<b>Conditions on this Appointment:</b>	<ol style="list-style-type: none"> <li>a. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)]</li> <li>b. Maintain access to adjoining land [s.3.52(3)] (relevant to the Shire of Exmouth).</li> <li>c. Limited to temporary road closures only. Permanent closure of roads must be determined by Council and subject to compliance with Land Administration Act 1987, s.58.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Chief Operations Officer</b> <b>Manager Works</b> <b>Manager Community and Emergency Services</b> <b>Manager Assets and Engineering</b>
<b>CEO Conditions on this Sub-Delegation:</b>	All sub delegated officers can determine road closures in an emergency, where it is determined that there is reasonable and imminent risk to public safety or property and subject to the road closure being given effect through sufficient and compliant traffic management.

## 1.1.18 Private Works on, over or under Public Places

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> r.17 Private works on, over, or under public places – Sch.9.1 cl.
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)].</li> <li>2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works.</li> <li>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works.</li> <li>iii. Provided evidence of sufficient Public Liability Insurance.</li> <li>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 1.1.19 Gates Across Public Thoroughfares

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)].</li> <li>2. Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)].</li> <li>3. Authority to impose conditions on granting permission [ULP r.9(4)].</li> <li>4. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)].</li> <li>5. Authority to cancel permission by written notice, and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9(6)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>b. Each approval provided must be recorded in the Shire of Exmouth's statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Chief Operations Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 1.1.20 Public Thoroughfare – Dangerous Excavations

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

## 1.1.21 Crossing – Construction, Repair and Removal

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7(2) r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r.12(1)].</li> <li>2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)].</li> <li>3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)].</li> <li>4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> .
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Chief Operations Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 1.1.22 Sponsorship; Donations

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.12 Power to defer, grant discounts, waive or write off debts
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to consider applications received for financial assistance and make the appropriate donation or engage into a sponsorship arrangement.
<b>Conditions on this Appointment:</b>	a. In accordance with Council budget and Council Sponsorship Policy.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 1.1.23 Execution of Documents

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s9.49A (4) (5) Execution of Documents
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	Authority to sign documents on behalf of the Shire of Exmouth.
<b>Council Conditions on this Delegation:</b>	<p>The Chief Executive Officer is delegated authority to:</p> <ol style="list-style-type: none"> <li>1. Sign documents in relation to the administration of leases, licences, or other land agreements.</li> <li>2. Sign sponsorship or grant agreements and acquittals where the Shire's contribution falls within budget or is consistent with a Council resolution.</li> <li>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.</li> <li>4. Sign Memorandums of Understanding (MOU) if they satisfy the following conditions: <ul style="list-style-type: none"> <li>• There is no additional financial contribution in excess of existing budgets required to give effect to the Shire's obligations under the MOU.</li> <li>• Formalises an existing working relationship between the Shire and a government agency or department or another local government.</li> </ul> </li> <li>5. Execute, lodge, remove, withdraw, surrender or modify relating to notifications, covenants, easements and caveats under the <i>Transfer of Land Act 1893</i>.</li> <li>6. Execute easements or deeds of easement under the <i>Land Administration Act 1997</i> and/or <i>Strata Titles Act 1985</i>.</li> <li>7. Sign documents required to satisfy conditions of subdivision and/or development approval.</li> <li>8. Sign Finance Leases, Contracts, Service Level agreements, and any other agreement that does not require the Common Seal of the Shire.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s: Appointed by CEO</b>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 1.1.24 Expressions of Interest for Goods and Services

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&amp;G r.21].</li> <li>2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&amp;G r.23].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 1.1.25 Tenders for Goods and Services

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<p><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</p>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government Act 1995:</i>  s.3.57 Tenders for providing goods or services  <i>Local Government (Functions and General) Regulations 1996:</i>  r.11 When tenders have to be publicly invited  r.11(2)(i) Exercising contract extension options  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</p>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to call tenders [F&amp;G r.11(1)] .</li> <li>2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement [F&amp;G r.11(2)(f)].</li> <li>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&amp;G r.11(2)].</li> <li>4. Authority to invite tenders although not required to do so [F&amp;G r.13].</li> <li>5. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&amp;G r.14(2a)].</li> <li>6. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&amp;G r.14(4)(a)].</li> <li>7. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&amp;G r.14(5)].</li> <li>8. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&amp;G r.18(4)].</li> <li>9. Authority to accept, or reject 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&amp;G r.18(2) and (4)].</li> <li>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&amp;G r.20(1) and (3)].</li> </ol>

	<p>11. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&amp;G r.18(4a)].</p> <p>12. Authority to decline any tender [F&amp;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&amp;G r.20(2)].</p> <p>14. Authority to:</p> <ul style="list-style-type: none"> <li>i. Vary a contract that has been entered into with a successful tenderer, provided the variation/s do not change the scope of the original contract and is limited to a 10% tolerance of the original purchasing value; and</li> <li>ii. Exercise an extension option that was included in the original tender specification and contract in accordance with r.11(2)(j). [F&amp;G r.21A].</li> </ul> <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&amp;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><b>Council Conditions on this Delegation:</b></p>	<p>a. Sole supplier arrangements may only be approved where a record is retained that evidences:</p> <ul style="list-style-type: none"> <li>i. A detailed specification;</li> <li>ii. The outcomes of market testing of the specification;</li> <li>iii. The reasons why market testing has not met the requirements of the specification; and</li> <li>iv. Rationale for why the supply is unique and cannot be sourced through other suppliers.</li> </ul> <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"> <li>i. proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government;</li> <li>ii. current supply contract expiry is imminent;</li> <li>iii. value of the proposed new contract has been included in the draft Annual Budget proposed for adoption; and</li> <li>iv. The tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.</li> </ul> <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><b>Express Power to Sub-Delegate:</b></p>	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
<p><b>Sub-Delegate/s:</b> <i>Appointed by CEO</i></p>	<p>Nil</p>
<p><b>CEO Conditions on this Sub-Delegation:</b></p>	<p>Nil</p>

## 1.2 Chief Executive Officer to Employees

### 1.2.1 Destruction of Electoral Papers

<b>Delegator:</b>	<b>Chief Executive Officer</b>
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Elections) Regulations 1996:</i> r.82(4) Keeping election papers – s4.84(a)
<b>Delegate:</b>	<b>Chief Financial Officer</b>
<b>Function:</b> <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)].
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	Nil
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Chief Financial Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 1.2.2 Acting Chief Executive Officer

<b>Delegator:</b>	<b>Chief Executive Officer</b>
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.5.39(1a)(a) An employee may act in the position of a CEO
<b>Delegate:</b>	<b>Chief Financial Officer</b> <b>Chief Operations Officer</b>
<b>Function:</b>	1. Senior Employee to act in the capacity of Chief Executive Officer during absences not exceeding three months [s.5.39(1a)(a)]
<b>CEO Conditions on this Delegation:</b>	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
<b>Express Power to Sub-Delegate:</b>	Nil
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 1.2.3 Representing Local Government in Court

<b>Delegator:</b>	Chief Executive Officer
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s. 9.29 Representing local government in court
<b>Delegate:</b>	Chief Financial Officer Chief Operations Officer Manager Works Manager Assets and Engineering Manager Community and Emergency Services Strategic Planning Officer Coordinator Environmental Health Building Surveyor Ranger
<b>Function:</b>	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)]
<b>Conditions on this Delegation:</b>	a. Provided the proceedings relate to the officer’s position description.
<b>Express Power to Sub-Delegate:</b>	Nil
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 1.2.4 Appoint Authorised Persons

<b>Delegator:</b>	<b>Chief Executive Officer</b>
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.9.10 Appointment of authorised persons
<b>Delegate:</b>	<b>Nil</b>
<b>Function:</b>	<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) <a href="#">Local Government Act 1995</a> and its subsidiary legislation, including Local Government Act Regulations, the <i>Local Government (Miscellaneous Provisions) Act 1960</i>, and Local Laws made under the Local Government Act:</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) <a href="#">Graffiti Vandalism Act 2016</a> – 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>
<b>CEO Conditions on this Delegation:</b>	<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 <a href="#">Building Regulations 2012</a> 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>
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Sub-Delegate/s:</b> Appointed by CEO	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 2. BUILDING ACT 2011

### 2.1 Council to Chief Executive Officer

#### 2.1.1 Designate Employees as Authorised Persons

<b>Delegator:</b>	<b>Permit Authority (Local Government)</b>
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government <i>Local Government Act 1995</i>
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.96(3) authorised persons s.99(3) Limitation on powers of authorised person  <i>Building Regulations 2012:</i> r.70 approved officers and authorised officers ( <i>for the purposes of the Criminal Procedure Act 2004</i> ). [Refer: s.6 of the Criminal Procedure Act 2004 read with r.6(A) of Criminal Procedure Regulations 2005].
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to designate an employee as an authorised person [s.96(3)].</li> <li>2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s. 96(6) and s.99(3)].</li> <li>3. Authority to undertake the following functions as authorised persons:             <ol style="list-style-type: none"> <li>a) Entry powers [s.100]</li> <li>b) Powers after entry and compliance purposes [s.101]</li> <li>c) Obtaining information and documents [s.102]</li> <li>d) Use of force and assistance [s.103]</li> <li>e) Entry warrant to enter a place [s.106]</li> <li>f) Execution of warrant [s.109]</li> <li>g) To carry out the functions to give effect to a building order [s.118]</li> </ol> </li> <li>4. Authority to act as authorised and approved officers for the purpose of issuing and dealing with infringements under sections 6(a) and 6(b) of the Criminal Procedure Act 2004 pursuant to the requirements of the Building Regulations 2012. (refer Sch 1A of the Criminal Procedure Regulations 2012 as read with Regulation 6A</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>1. A person may only be appointed as an approved officer under regulation 70(1) of the Building Regulations 2012 if they hold a delegation from the CEO under section 5.44(1) of the Local Government Act 1995 to perform functions under sections 9.19 or 9.20 of that Act. (Refer to Delegation 2.1.11)</li> <li>2. A person may only be appointed as an authorised officer under regulation 70(2) of the Building Regulations 2012 [for the purposes of the Criminal Procedure Act 2004 section 69(b)] if they have been appointed and authorised under section 9.10(1) of the Local Government Act 1995 for the purposes of performing functions under section 9.16 of that Act.</li> <li>3. All authorised officers must be issued with identification showing proof of authorisation.</li> </ol>

# Delegation Register

Shire of Exmouth



<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 2.1.2 Grant a Building Permit

<b>Delegator:</b>	<b>Permit Authority (Local Government)</b>
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.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 s.88 Impose a condition specifying the finish of a close wall  <i>Building Regulations 2012:</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)].</li> <li>2. Authority to grant or refuse to grant a building permit [s.20(1) &amp; (2) and s.22].</li> <li>3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and (3)].</li> <li>4. Authority to determine an application to extend time during which a building permit has effect [r.23].             <ol style="list-style-type: none"> <li>i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]</li> <li>ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)].</li> </ol> </li> <li>5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<i>Building Act 2011</i> Section 127(3): A local government may only delegate its powers or duties to a local government employee.
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Building Surveyor</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 2.1.3 Grant a Demolition Permit

<b>Delegator:</b>	<b>Permit Authority (Local Government)</b>
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.18 Further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit <i>Building Regulations 2012:</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)].</li> <li>2. Authority to grant or refuse to grant a demolition permit application [s.21 and s.22].</li> <li>3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and (3)].</li> <li>4. Authority to determine an application to extend time during which a demolition permit has effect [r.23].             <ol style="list-style-type: none"> <li>i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]</li> <li>ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)].</li> </ol> </li> <li>5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(3) A delegation of a local governments powers or duties may be only to a local government employee s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Building Surveyor</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 2.1.4 Building Orders (Issue and Revocation)

<b>Delegator:</b>	<b>Permit Authority (Local Government)</b>
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.110(1) A permit authority may make a building order s.111 Notice of proposed building order s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect s.118(2) and (3) Permit authority may give effect to building order if non-compliance s.88(3) Specify the finish of a close wall in a building order
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to issue Building Orders in relation to: <ol style="list-style-type: none"> <li>a. Building work</li> <li>b. Demolition work</li> <li>c. An existing building or incidental structure [s.110(1)].</li> </ol> </li> <li>2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)].</li> <li>3. Authority to revoke a building order [s.117].</li> <li>4. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> <li>a. takes any action specified in the order; or</li> <li>b. commences or complete any work specified in the order; or</li> <li>c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)].</li> </ol> </li> <li>5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Building Surveyor</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 2.1.5 Occupancy Permit or Building Approval Certificate

<b>Delegator:</b>	<b>Permit Authority (Local Government)</b>
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.62(1) and (3) Conditions imposed by permit authority s.65(4) Extension of period of duration  <i>Building Regulations 2012</i> r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55].</li> <li>2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58].</li> <li>3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)].</li> <li>4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Building Surveyor</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 2.1.6 Inspection and Copies of Building Records

<b>Delegator:</b>	<b>Permit Authority (Local Government)</b>
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.129(2) Copies of permits, certificates in register s.131(2) Inspection, copies of building records
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>Authority to provide a copy of a permit, building approval certificate or building order kept in the register specified in section 128 [s.129(2)], and</li> <li>Authority to determine an application from an interested person to inspect and copy a building record as defined in section 130 of the Building Act 2011 [s.131(2)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Building Surveyor</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 2.1.7 Referrals and Issuing Certificates

<b>Delegator:</b>	<b>Permit Authority (Local Government)</b>
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.145A Local Government functions
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)].</li> <li>2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the owner of the land land/or the land subject of the application is located in the Shire of Exmouth [s.145A(2)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Building Surveyor</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 2.1.8 Private Pool Barrier – Alternative and Performance Solutions

<b>Delegator:</b>	<b>Permit Authority (Local Government)</b>
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Regulations 2012:</i> r.51 Approvals by permit authority
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926.1 [r.51(2)]</li> <li>2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)]</li> <li>3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Building Surveyor</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 2.1.9 Smoke Alarms – Alternative Solutions

<b>Delegator:</b>	<b>Permit Authority (Local Government)</b>
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Regulations 2012:</i> r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55].</li> <li>Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Building Surveyor</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 2.1.10 Appointment of Authorised Persons (Swimming Pool Inspectors)

<b>Delegator:</b>	<b>Permit Authority (Local Government)</b>
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Regulations 2012:</i> r.53 Inspection of barrier to private swimming pool
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. To inspect the barrier of private swimming pools every 4 years to ensure compliance with the <i>Building Regulations 2012</i> [r.53]
<b>Council Conditions on this Delegation:</b>	a. Authorisation from Local Government, pursuant to section 93(2)(d), of the <i>Building Act 2011 Regulation 5A of the Building Regulation 2012</i> to designate authorised persons for the purpose of that Act.
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Building Surveyor</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

### 3. FOOD ACT 2008

#### 3.1 Council to CEO/Employees

##### 3.1.1 Appoint Authorised Officers and Designated Officers

<b>Delegator:</b>	<b>Local Government</b> as enforcement agency.
<b>Express Power to Delegate:</b>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express Power or Duty Delegated:</b>	All functions conferred or imposed on an enforcement agency under the <i>Food Act 2008</i> subject to limitations listed under 'council conditions on this delegation', below
<b>Delegate:</b>	<b>Chief Executive Officer</b> <b>Coordinator Environmental Health</b>
<b>Function:</b>	Any function conferred or imposed on the local government as an enforcement agency under the <i>Food Act 2008</i> . S.120(1): Any (food standards) guidelines to be adopted S.122(2): Required qualifications of authorised officers of the Act S.53(2): Destroy, sell or dispose of forfeited item S.56: Compensation for seized item S.65(1): Prohibition order S.66: Certificate of clearance to be given S.70: Determine application for compensation S.100: Priority classification system and frequency of auditing S.110(1): Registration of food businesses S.112: Variations of conditions or cancellation of registration of food businesses S.115: Register of food businesses to be maintained Part 10. Division 2: Functions of enforcement agencies S.122(1): Appointment of authorised officers S.126(13): Appointment of designated officers
<b>Council Conditions on this Delegation:</b>	The following functions or duties delegated to CEO only: s 56: Compensation for seized item s.70: Determine application for compensation
<b>Express Power to Sub-Delegate:</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 4. PUBLIC HEALTH ACT 2016

### 4.1 Council to CEO/Employees

#### 4.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<p><i>Health (Miscellaneous Provisions) Act 1911:</i> s.26 A local government may authorise and appoint any person to exercise and discharge its powers and functions;</p> <p><i>Health (Asbestos) Regulations 1992:</i> r.15D(7) A local Government may delegate a power or duty under this regulation to the chief executive officer of the local government</p>
<b>Express Power or Duty Delegated:</b>	<p><i>Health (Asbestos) Regulations 1992:</i> r.15D(5) A local government may appoint and authorise persons or classes of persons to be authorised or approved officers for the purposes of the Criminal Procedure Act 2004 Part 2</p>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of issuing and dealing with infringements under section 6 of the <i>Criminal Procedure Act 2004</i> Part 2 in accordance with the requirements of the <i>Health (Asbestos) Regulations 1992</i>
<b>Council Conditions on this Delegation:</b>	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)].
<b>Express Power to Sub-Delegate:</b>	Nil – the <i>Health (Asbestos) Regulations 1992</i> do not provide a power to sub-delegate.
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 4.1.2 Designate Authorised Officers

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> s.24(1) and (3) Designation of authorised officers
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to designate a person or class of persons as authorised officers for the purposes of: <ol style="list-style-type: none"> <li>i. The Public Health Act 2016 or another specified Act</li> <li>ii. Specified provisions of the Public Health Act 2016 or another specified Act</li> <li>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"> <li>a. an environmental health officer or environmental health officers as a class; OR</li> <li>b. a person who is not an environmental health officer or a class of persons who are not environmental health officers , OR</li> <li>c. a mixture of the two. [s.24(1) and (3)].</li> </ol> </li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Subject to each person so appointed being; <ul style="list-style-type: none"> <li>• Appropriately qualified and experienced [s.25(1)(a)]; and</li> <li>• Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31].</li> </ul> </li> <li>b. A Register (list) of authorised officers is to be maintained in accordance with s.27.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 4.1.3 Enforcement Agency Reports to the Chief Health Officer

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> s.22 Reports by and about enforcement agencies
<b>Delegate:</b>	<b>Coordinator Environmental Health</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Shire of Exmouth [s.22(1)]</li> <li>2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 4.1.4 Determine Compensation for Seized Items

<b>Delegator:</b>	Enforcement Agency (means Local Government vide s.4 definition)
<b>Express Power to Delegate:</b>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> s.260 Return of seized item s.262 Cost of destruction or disposal of forfeited items s.263 Return of forfeited items s.264 Compensation
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to determine if no contravention of the Public Health Act 2016 has occurred and return seized items or forfeited items to the person from whom the items were seized or to any other person who is determined to be entitled to it [s.260 and 263].</li> <li>2. Authority to recover the cost of destruction or disposal of forfeited items [s.262].</li> <li>3. 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].</li> </ol>
<b>Council Conditions on this Delegation:</b>	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.
<b>Express Power to Sub-Delegate:</b>	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 4.1.5 Appointment of Deputies under the Health (Miscellaneous Provisions) Act 1911

<b>Appointing Body:</b>	<b>Local Government (Council)</b>
<b>Express Power to appoint and authorise:</b>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> s.260 Return of seized item s.262 Cost of destruction or disposal of forfeited items s.263 Return of forfeited items s.264 Compensation
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to determine if no contravention of the Public Health Act 2016 has occurred and return seized items or forfeited items to the person from whom the items were seized or to any other person who is determined to be entitled to it [s.260 and 263].</li> <li>2. Authority to recover the cost of destruction or disposal of forfeited items [s.262].</li> <li>3. 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].</li> </ol>
<b>Council Conditions on this Delegation:</b>	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.
<b>Express Power to Sub-Delegate:</b>	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 5. CAT ACT 2011

### 5.1 Council to CEO

#### 5.1.1 Cat Registrations

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<i>Cat Act 2011</i> s.44 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags <i>Cat Regulations 2012</i> Schedule 3, cl.1(4) Fees Payable
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)].</li> <li>2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)].</li> <li>3. Authority to cancel a cat registration [s.10].</li> <li>4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)].</li> <li>5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire of Exmouth's District [Regs. Sch. 3 cl.1(4)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i> .
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Chief Financial Officer</b> <b>Manager Community and Emergency Services</b> <b>Ranger</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 5.1.2 Cat Control Notices

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

## 5.1.3 Recovery of Costs – Destruction of Cats

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

## 5.1.4 Reduce or Waiver Registration Fee

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

## 5.2 Chief Executive Officer to Employees

### 5.2.1 Infringement Notices – Extensions and Withdrawals

<b>Delegator:</b>	<b>Chief Executive Officer</b>
<b>Express Power to Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> s.64 Extension of time s.65 Withdrawal of notice
<b>Delegate/s:</b>	<b>Nil</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed [s.64].</li> <li>2. Authority, within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s.65].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 6. DOG ACT 1976

### 6.1 Council to CEO

#### 6.1.1 Appoint Registration Officer

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.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> )
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	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].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</li> <li>b. A register of Authorised Persons is to be maintained as a Local Government Record.</li> <li>c. Only persons who are appropriately qualified and trained may be appointed as Authorised persons.</li> <li>d. Authorisations are to be provided in writing by issuing a Certificate of Authorisation.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 6.1.2 Part Payment of Sterilisation Costs/Directions to Veterinary Surgeons

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

## 6.1.3 Refuse or Cancel Registration

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.15(2) and (4A) Registration periods and fees s.16(3) Registration procedure s.17A(2) If no application for registration made s.17(4) and (6) Refusal or cancellation of registration
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)].</li> <li>2. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: <ol style="list-style-type: none"> <li>i. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the <i>Cat Act 2011</i> or the <i>Animal Welfare Act 2002</i>; or</li> <li>ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or</li> <li>iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept</li> <li>iv. the dog is required to be microchipped but is not microchipped; or</li> <li>v. the dog is a dangerous dog [s.16(3) and s.17A(2)].</li> </ol> </li> <li>3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire of Exmouth District [s15(4A)].</li> <li>4. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s.17(4)]. <ol style="list-style-type: none"> <li>i. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had been found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	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.
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Chief Financial Officer</b> <b>Manager Community and Emergency Services</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 6.1.4 Kennel Establishments

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.27 Licensing of approved kennel establishments
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)].
<b>Council Conditions on this Delegation:</b>	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. Application processing and decisions under this delegation are to comply with the Shire of Exmouth Dogs Local Law.
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Chief Financial Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 6.1.5 Recovery of Monies Due under this Act

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

## 6.1.6 Declare Dangerous Dog

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

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

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.33F(6) Owners to be notified of making of declaration s.33G(4) Seizure and destruction s.33H(1) and (2) Local government may revoke declaration or proposal to destroy
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)].</li> <li>2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)].</li> <li>3. Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)] <ol style="list-style-type: none"> <li>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)].</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Chief Financial Officer</b> <b>Manager Community and Emergency Services</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 6.1.8 Keeping of Multiple Dogs

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

## 7. GRAFFITI VANDALISM ACT 2016

### 7.1 Council to CEO

#### 7.1.1 Give Notice Requiring Obliteration of Graffiti

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)].</li> <li>2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Chief Operations Officer Manager Works</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 7.1.2 Notices – Deal with Objections and Give Effect to Notices

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to deal with an objection to a notice [s.22(3)].</li> <li>2. Authority, where an objection has been lodged, to: <ol style="list-style-type: none"> <li>i. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s.24(1)(b)] and</li> <li>ii. to give notice to the affected person, before taking the necessary actions [s.24(3)].</li> <li>ii. to give notice to the affected person, before taking the necessary actions [s.24(3)].</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Chief Operations Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 7.1.3 Obliterate Graffiti on Private Property

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> s.25(1) Local government graffiti powers on land not local government property
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <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)].
<b>Council Conditions on this Delegation:</b>	a. Subject to exercising Powers of Entry.
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Chief Operations Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 7.1.4 Powers of Entry

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> s.28 Notice of entry s.29 Entry under warrant
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28].</li> <li>2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Chief Operations Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 8. BUSH FIRES ACT 1954

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

#### 8.1.1 Appoint Authorised Persons

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<b>Chief Executive Officer Chief Bush Fire Control Officer Deputy Bush Fire Control Officer</b>
<b>Function:</b>	1. Authority to perform the functions of the local government under the Bush Fires Act 1954.
<b>Council Conditions on this Delegation:</b>	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.
<b>Express Power to Sub-Delegate:</b>	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 8.1.2 Prohibited Burning Times –Control Activities

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15].</li> <li>2. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].</li> <li>3. Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)].</li> <li>4. Authority to issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].</li> <li>5. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].</li> <li>6. Authority to recover the cost of measures taken by the Shire of 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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

## 8.1.3 Control of Operations likely to Create a Bush Fire Danger

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: <ol style="list-style-type: none"> <li>a. a person operating a bee smoker device during a prescribed period [r.39CA(5)].</li> <li>b. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)].</li> <li>c. a person using explosives [r.39D(2)].</li> <li>d. a person using fireworks [r.39E(3)].</li> </ol> </li> <li>2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D]. <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></li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

# Delegation Register

Shire of Exmouth



## 8.1.4 Firebreaks

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.33 Local government may require occupier of land to plough or clear fire-breaks
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Shire of Exmouth: <ol style="list-style-type: none"> <li>a. clearing of firebreaks as determined necessary and specified in the notice; and</li> <li>b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and</li> <li>c. as a separate or coordinated action with any other person carry out similar actions [s.33(1)].</li> </ol> </li> <li>2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)]. <ol style="list-style-type: none"> <li>a. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

# Delegation Register

Shire of Exmouth



## 8.1.5 Prosecution of Offences

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	Bush Fires Act 1954 s.48 Delegation by local government s.59(3) Prosecution of offences
<b>Express Power or Duty Delegated:</b>	Bush Fires Act 1954: s.59 Prosecution of offences s. 59A(2)(4) &(5) Alternative procedure – infringement notices
<b>Delegate:</b>	<b>Chief Executive Officer</b> <b>Chief Bush Fire Control Officer</b> <b>[Local Government employee]</b> <b>Deputy Chief Bush Fire Control Officer</b>
<b>Function:</b>	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)]
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	NIL – Sub-delegation is prohibited by s.48(3)
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

# Delegation Register

Shire of Exmouth



## 8.1.6 Control and Extinguishment of Bush Fires

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.46 Bush fire control officer or forest officer may postpone lighting fire
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

# Delegation Register

Shire of Exmouth



## 8.1.7 Recovery of Expense Incurred through Contravention of this Act

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

## 9. LITTER ACT 1979

### 9.1 Council to CEO

#### 9.1.1 Appoint Authorised Persons

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

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to delegate:</b>	<i>Emergency Management Act 2005</i> s.45 Exercise of powers under this division
<b>Express Power or Duty Appointed:</b>	<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
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Powers and functions of local government during a cyclone under Part 3 Division 3 of the <i>Emergency Management Act 2005</i> .
<b>Conditions on this Appointment:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	Nil
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Chief Financial Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 11. PLANNING AND DEVELOPMENT ACT 2005

### 11.1 Council to CEO

#### 11.1.1 Illegal Development

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42(1)(b) Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Planning and Development Act 2005:</i> Section 214(2), (3) and (5)
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements;</li> <li>2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> <li>(a) to remove, pull down, take up, or alter the development; and</li> <li>(b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.</li> </ol> </li> <li>1. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.</li> </ol>
<b>Conditions on this Appointment:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Chief Operations Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 11.1.2 Subdivision and Amalgamation

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i>  s.5.42(1)(a) 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>
<b>Express Power or Duty Delegated:</b>	<p><i>Planning and Development Act 2005</i>  s.142 To make recommendations and objections with respect to a subdivision plan</p>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	To submit any Subdivisional Plan to the West Australian Planning Commission with a memorandum of objections and/or recommendation, and/or advice in relation to any environmental conditions if the plan relates to an assessment scheme (as defined in the EP Act).
<b>Conditions on this Appointment:</b>	<ol style="list-style-type: none"> <li>1. Recommendations and/or objections must be made within 42 day of receipt of the plan or copy being received by the local government.</li> <li>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 <i>and any relevant Environmental Conditions.</i></li> </ol>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i>  s.5.44 CEO may delegate some powers and duties to other employees</p>
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 11.1.3 Enforcement Powers

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO</p> <p><i>Planning and Development Act 2005</i> s 214(2), (3) and (5);</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> <u>Schedule 2, clause 82:</u> Delegations by local government.</p>
<b>Express Power or Duty Delegated:</b>	<p><i>Planning and Development Act 2005</i> Part 13 – Section 214(2), (3) and (5): Illegal Development, responsible authority's powers;</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10, Division 1: Powers of Local Government</p> <p><i>Planning and Development Act 2005</i> s. 216(1) [Apply for an Injunction]; s.218 [commence a prosecution for an offence committed under this section]</p>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<p>Authority to:</p> <ul style="list-style-type: none"> <li>• Give written directions under section 214(2), (3) and (5) of the Planning and Development 2005;</li> <li>• Issue notices under Part 10 of the Planning and Development (Local Planning Schemes) Regulations 2015;</li> <li>• Apply for an Injunction in terms of section 216(1) of the Planning and Development Act 2005;</li> <li>• Commence prosecution for an offence committed under section 218 of the Planning and Development Act 2005.</li> </ul>
<b>Conditions on this Appointment:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Chief Operations Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 11.1.4 Authorised Person – Infringement Notices and Enforcement Powers

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties 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>
<b>Express Power or Duty Delegated:</b>	<p><i>Planning and Development Act 2005:</i></p> <p>s. 214 Illegal development, responsible authority's powers as to</p> <p>s.228 Giving of infringement notice</p> <p>s.229 Content of infringement notice</p> <p>s.230 Extending time to pay modified penalty</p> <p>s.231 Withdrawal of infringement notice</p> <p>s.234 Designated person, appointment of</p>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Issue a direction notice, pursuant to section 214 and 218.</li> <li>2. Appoint a Shire of Exmouth employee to give an infringement notice in accordance with section 228.</li> <li>3. Determine the content of an infringement notice in accordance with section 229.</li> <li>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.</li> <li>5. Withdraw an infringement notice in exceptional circumstances in accordance with section 231.</li> </ol>
<b>Conditions on this Appointment:</b>	<p>*Please note the s. 234 of the <i>Planning and Development Act 2005</i> states:</p> <p>"234. Designated persons, appointment of</p> <ol style="list-style-type: none"> <li>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.</li> <li>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." </li></ol>
<b>Express Power to Sub-Delegate:</b>	CEO may delegate some powers and duties to other employees under: <i>Local Government Act 1995 s.5.44,</i> <i>Planning and Development Act 2005 section 234(1)</i>
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Chief Operations Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 11.1.5 Response to Request for Consultation for Applications for Proposed Public Works

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995</i> s.5.42(1)(a) Delegation of some powers or duties to the CEO  <i>Planning and Development Act 2005:</i> s. 6 Public works, <i>Respond to consultation for proposal for public works.'</i>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	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"> <li>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</li> <li>The total value of works being less than \$1 million per application referred.</li> </ul>
<b>Conditions on this Appointment:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Chief Operations Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 11.1.6 Development Applications

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i> s.5.42(1)(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.82 Delegations by local government</p>
<b>Express Power or Duty Delegated:</b>	<p><i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> Powers and Duties provided for in Schedule 2 Part 8 and Under Schedule 2 Part 9</p>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function 1:</b>	<ol style="list-style-type: none"> <li>1. To consider and determine all planning applications for approval to commence and carry out development within the Shire under the operation of the Operative Local Planning Scheme and impose conditions;</li> <li>2. Amend or cancel development approval on application of the landowner;</li> <li>3. Determine the extent and nature of public consultation required for all planning matters having regard for the Operative Local Planning Scheme and all other relevant planning policies and codes. <ul style="list-style-type: none"> <li>• <i>Notes: Does the Shire ever need to consult with or make recommendations to the WAPC or other Government Departments on matters relating to subdivision or development; and how does the Shire deal with recommendations relating to liquor or gambling compliance, in accordance with the Local Scheme?</i></li> </ul> </li> </ol>
<b>Conditions on this Appointment:</b>	<ol style="list-style-type: none"> <li>a. The powers delegated herein are conditional upon the following: <ul style="list-style-type: none"> <li>• The use in the development application is listed in the zoning table in the local planning scheme; <i>and</i></li> <li>• no third-party objections have been received (whether the application has been advertised or not); <i>unless:</i> <ol style="list-style-type: none"> <li>i. Has a development value of less than \$10,000,000</li> <li>ii. third party objections have been received and in the opinion of the Chief Executive Officer or their delegate: <ol style="list-style-type: none"> <li>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</li> <li>b) The objection can be overcome by imposing a condition on any approval granted, or modifying the design of the development; or</li> <li>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</li> <li>d) The application is refused.</li> </ol> </li> </ol> </li> </ul> </li> </ol>

# Delegation Register

Shire of Exmouth



<b>Function 2:</b>	<b>Amendments and Cancellations to Previously Approved Development</b> Authority is granted to determine applications to amend or cancel previously Council approved developments, and Development Assessment Panel Form 2 Applications
<b>Function 3:</b>	<b>Approvals for Development Applications – Use Not Listed</b> 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.
<b>Express Power to Sub-Delegate:</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 Part 10 cl 83(1) Local government CEO may delegate powers.
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Chief Operations Officer</b> <b>Town Planner</b> <b>Strategic Planning Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Sub-delegation is conditional upon the meeting the deemed-to-comply provisions of the R-Codes and the Scheme and no discretion is required

## 11.1.7 Structure Plans and Local Development Plans

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<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>
<b>Express Power or Duty Delegated:</b>	<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(2) Preparation of local development plan</p> <p>r.49Action by local government on receipt of application</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.55 Local government to advertise approved plan</p> <p>r.59 Amendment of local development plan</p>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ul style="list-style-type: none"> <li>• To determine if a proposed structure plan complies with regulation 16(1) or if further information is required [r.17(1)].</li> <li>• To determine whether to advertise a proposed structure plan and seek comment from any public authority or utility provider [r.18(1)].</li> <li>• To consider any submissions made in respect of a proposed structure plan [r.19(1)].</li> <li>• To prepare a report on the proposed structure plan and provide it to the Commission [r.20(1)].</li> <li>• To determine if amendment to a Structure Plan requires advertising [r.29(3)].</li> <li>• Preparation of plan by local government [r.48(2)]</li> <li>• 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)].</li> </ul>

# Delegation Register

Shire of Exmouth



	<ul style="list-style-type: none"> <li>• To determine whether to advertise a proposed local development plan and seek comment from any public authority or utility service provider [r.50(1)].</li> <li>• To consider any submission made in respect of a proposed local development plan [r.51].</li> <li>• To determine a local development plan for approval, approval subject to modification or refusal [r.52(1)].</li> <li>• To approve a local development plan that provides for further details [r.53].</li> <li>• Local government to publish approved plan [r.55]</li> <li>• To amend a local development plan [r.59(1)].</li> <li>• To determine whether to advertise an amendment of a local development plan [r.59(4)].</li> </ul>
<b>Conditions on this Appointment:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.43 CEO may delegate some powers and duties to other employees <i>Planning and Development (local planning schemes) Regulations 2015:</i> s. 83(1)
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## 11.2 Local Planning Scheme - Council to CEO

### 11.2.1 Shire of Exmouth Operative Local Planning Scheme

<b>Delegator:</b>	<b>Local Government</b>
<b>Express Power to Delegate:</b>	<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
<b>Express Power or Duty Delegated:</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> Clause 60 of Schedule 2
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>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;</li> <li>2. Determine the land use classification applicable to the proposed use/development for which approval is sought;</li> <li>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>;</li> <li>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>;</li> <li>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.</li> <li>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.</li> <li>7. To grant approval to a development (planning) application for a development designated as a 'P' use or, 'I' 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;</li> <li>8. To grant approval to a development (planning) application for development which is not listed and/or designated with a permissibility in</li> </ol>

	<p>the scheme where the development is designated as a 'P' use or 'I' 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> <ol style="list-style-type: none"> <li>i. Side and rear setbacks;</li> <li>ii. Front setback variations up to 0.5 metres;</li> <li>iii. Wall height and/or maximum pitched roof height variations up to 0.5 metres;</li> <li>iv. Outbuilding area variations up to 10%;</li> <li>v. Signage dimension and/or maximum height variations up to 0.5 metres;</li> <li>vi. Signage area variations up to 0.5m<sup>2</sup>.</li> </ol> <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 Chief Operation Officers 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> <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</p>
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# Delegation Register

Shire of Exmouth



	<p>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"> <li>i. Where the land is in the control and/or management of the Shire of Exmouth;</li> <li>ii. The development is for a permitted use and/or purpose outlined in a lawfully executed lease issued by the Shire of Exmouth;</li> <li>iii. The development is consistent with any objectives outlined for that reserve in the Scheme; and</li> <li>iv. The value of any works is less than \$500,000.</li> </ul>
<p><b>Council Conditions on this Delegation:</b></p>	<p>Nil</p>
<p><b>Express Power to Sub-Delegate:</b></p>	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
<p><b>Sub-Delegate/s:</b> <i>Appointed by CEO</i></p>	<p><b>Chief Operations Officer</b> <b>Strategic Planning Officer</b> <b>Town Planner 1, 3, 5, 7, 10, 13, 14, 17, 18 only</b></p>
<p><b>CEO Conditions on this Sub-Delegation:</b></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

<b>Delegator</b>	Department of Planning, Lands and Heritage
<b>Express Power to Delegate</b>	<i>Planning and Development Act 2005</i> S 267A Crown and State land, who may sign documents as to
<b>Express Power or Duty Delegated:</b>	
<p><b>DoL FILE 1738/2002v8; 858/2001v9</b></p> <p><b><i>PLANNING AND DEVELOPMENT ACT 2005</i></b></p> <p><b>INSTRUMENT OF AUTHORISATION</b></p> <p>I, <b>Donald Terrence Redman MLA</b>, Minister for Lands, a body corporate continued by section 7(1) of the <i>Land Administration Act 1997</i>, under section 267A of the <i>Planning and Development Act 2005</i>, HEREBY authorise, in respect of each local government established under the <i>Local Government Act 1995</i> and listed in Column 2 of the Schedule, the person from time to time holding or acting in the position of Chief Executive Officer of the relevant local government, to perform the powers described in Column 1 of the Schedule subject to the conditions listed in Column 3 of the Schedule.</p> <p>Dated the <i>2<sup>nd</sup></i> day of <i>June</i> 2016</p> <div style="text-align: center; margin-top: 20px;">  </div> <p><b>HON DONALD TERRENCE REDMAN MLA</b> <b>MINISTER FOR LANDS</b></p>	

## 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

The power to sign as owner in respect of Crown land that is:

- a reserve managed by the local government pursuant to section 46 of the *Land Administration Act 1997* 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 *Land Administration Act 1997* 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,

in respect of development applications being made under or referred to in:

- (i) section 99(2) of the *Planning and Development Act 2005* in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);
- (ii) section 103(2) of the *Planning and Development Act 2005* in respect of development for which approval is required under a local interim development order (as that term is defined in that Act);
- (iii) section 115 of the *Planning and Development Act 2005* in respect of development within a planning control area (as that term is defined in that Act);
- (iv) section 122A of the *Planning and Development Act 2005* in respect of which approval is required under an improvement scheme (as that term is defined in that Act);
- (v) section 162 of the *Planning and Development Act 2005* 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);
- (vi) section 163 of the *Planning and Development Act 2005* in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the *Heritage of Western Australia Act 1990*, or of which such a place forms part;
- (vii) section 171A of the *Planning and Development Act 2005* in respect of a prescribed development application (as that term is defined in that section of that Act).

### Column 2

City of Albany  
City of Amadale  
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

Shire of Gingin  
Shire of Gnowangerup  
Shire of Goomalling  
City of Gosnells  
Shire of Halls Creek  
Shire of Harvey  
Shire of Inwin  
Shire of Jerramungup  
City of Joondalup  
Shire of Kalamunda  
City of Kalgoorlie-Boulder  
Shire of Kalbar  
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 Mingenev  
Shire of Moora  
Shire of Morawa  
Town of Mosman Park  
Shire of Mount Magnet  
Shire of Mt Marshall  
Shire of Mukinbudin  
Shire of Mundaring  
Shire of Murchison  
Shire of Murray

### Column 3

In accordance with and subject to approved Government Land policies.

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 *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.

# Delegation Register

Shire of Exmouth



<p>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 Wickkepin                  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</p>	<p>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 Swen</p>
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**HON DONALD TERENCE REDMAN MLA  
 MINISTER FOR LANDS**

*2<sup>nd</sup>* day of *June* 2016

<b>Delegate:</b>	<b>Chief Executive Officer</b>
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PLANNING AND DEVELOPMENT ACT 2005  
Instrument of delegation  
SCHEDULE 1

Column 1 (Powers and Functions)	Column 2 (Local Government)	Column 3 (Land)
<p>Power to determine an application made under Part 3 of the Order in accordance with the procedure set out in Part 4 of the Order except—</p> <p>(i) where the WAPC, by notice in writing in each case, advises the local government that it is of the opinion that an application should be determined by the WAPC on the grounds that the proposal is of State or regional importance or is in the public interest; and</p> <p>(ii) where the local government is of the opinion that an application should be determined by the WAPC on the grounds that the proposal is of State or regional importance or is in the public interest.</p> <p>The powers delegated to members and officers of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development in the local district under the local planning scheme.</p>	<ul style="list-style-type: none"> <li>• Shire of Carnarvon</li> <li>• Shire of Exmouth</li> </ul>	<p>Applies to applications for development of land defined in—</p> <ul style="list-style-type: none"> <li>• Map 1 Area of Delegation (Carnarvon)</li> <li>• Map 2 Area of Delegation (Exmouth)</li> </ul>

Delegate:

Chief Executive Officer



## Schedule 1

### 1. Applications made under section 15 of the *Strata Titles Act 1985*

Power to determine applications under section 15 of the *Strata Titles Act 1985*, except those applications that—

- (a) propose the creation of a vacant lot;
- (b) propose vacant air stratas in multi-tiered strata scheme developments;
- (c) propose the creation or postponement of a leasehold scheme;
- (d) propose a type 1 (a) subdivision or a type 2 subdivision (as defined in section 3 of the *Strata Titles Act 1985*);
- (e) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to—
  - i. a type of development; and/or
  - ii. land within an area,

which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.

### 2. Applications under sections 21 and 22 of the *Strata Titles Act 1985*

Power to determine applications under—

- (a) section 21 of the *Strata Titles Act 1985*;
- (b) section 22 of the *Strata Titles Act 1985* where the amendment or repeal of scheme by-laws requires the approval of the WAPC.

### 3. Reporting requirements

A local government that exercises the powers referred to in clause 1 and/or clause 2, is to provide the WAPC with data on all applications determined under this Instrument of Delegation. This must be provided at the conclusion of each financial year in the format prescribed by the WAPC.

Delegate:	Chief Executive Officer
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## 12.2 Environmental Protection Act 1986

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

<b>Delegator</b>	Department of Water and Environmental Regulation
<b>Express Power to Delegate</b>	Environmental Protection Act 1986 <i>s 20 – Delegation by CEO</i>
<b>Express Power or Duty Delegated:</b>	
<p>Published by: <b>ENVIRONMENT</b></p> <p style="text-align: center;"><b>GOVERNMENT GAZETTE</b> Western Australia <a href="#">Previous</a> <a href="#">Close</a> <a href="#">Next</a></p> <p style="text-align: right;">No. 47. 19-Mar-2004 Page: 919 Pdf - 476kb</p> <p><b>EV401</b></p> <p style="text-align: center;"><b>ENVIRONMENTAL PROTECTION ACT 1986</b> <b>Section 20</b> Delegation No. 52</p> <p>Pursuant to section 20 of the <i>Environmental Protection Act 1986</i>, the Chief Executive Officer hereby delegates as follows—</p> <p>Powers and duties delegated—</p> <p>All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice.</p> <p>Persons to whom delegation made—</p> <p>This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the <i>Local Government Act 1995</i>.</p> <p>Pursuant to section 59(1)(e) of the <i>Interpretations Act 1984</i>, Delegation No. 32, dated 4 February 2000 is hereby revoked.</p> <p>Dated this 9<sup>th</sup> day of January 2004.</p> <p>Approved—</p> <p>FERDINAND TROMP, A/Chief Executive Officer.</p> <p>Dr JUDY EDWARDS MLA, Minister for the Environment.</p>	
<b>Delegate:</b>	Chief Executive Officer

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

<b>Delegator</b>	Department of Water and Environmental Regulation
<b>Express Power to Delegate</b>	Environmental Protection Act 1986 <i>s 20 – Delegation by CEO</i>
<b>Express Power or Duty Delegated:</b>	
<p>Published by: Environment</p> <p style="text-align: center;"><b>GOVERNMENT GAZETTE</b> Western Australia <a href="#">Previous</a> <a href="#">Close</a> <a href="#">Next</a></p> <p style="text-align: right;">No. 232. 20-Dec-2013 Page: 6282 Pdf - 3Mb</p> <p><b>EV402</b></p> <p style="text-align: center;"><b>ENVIRONMENTAL PROTECTION ACT 1986</b></p> <p style="text-align: center;">Delegation No. 112</p> <p>I, Jason Banks, in my capacity as Acting Chief Executive Officer of the Department of Environment Regulation responsible for the administration of the <i>Environmental Protection Act 1986</i> ("the Act"), and pursuant to section 20 of the Act, hereby delegate to any person for the time being holding or acting in the office of a Chief Executive Officer under the <i>Local Government Act 1995</i>, my powers and duties under the <i>Environmental Protection (Noise) Regulations 1997</i>, other than this power of delegation, in relation to--</p> <ul style="list-style-type: none"> <li>(a) waste collection and other works--noise management plans relating to specified works under regulation 14A or 14B;</li> <li>(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);</li> <li>(c) community activities--noise control notices in respect of community noise under regulation 16;</li> <li>(d) motor sport venues--noise management plans in relation to motor sport venues under Part 2 Division 3;</li> <li>(e) shooting venues--noise management plans in relation to shooting venues under Part 2 Division 4;</li> <li>(f) calibration results--requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;</li> <li>(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--             <ul style="list-style-type: none"> <li>(i) Subregulation 18(13)(b) is not delegated.</li> </ul> </li> </ul> <p>Under section 59(1)(e) of the <i>Interpretation Act 1984</i>, Delegation No. 68, gazetted 22 June 2007 is hereby revoked.</p> <p>Dated the 12th day of December 2013.</p> <p style="text-align: right;">JASON BANKS, Acting Chief Executive Officer.</p> <p>Approved by--</p> <p style="text-align: right;">JOHN DAY, Acting Minister for Environment; Heritage.</p>	
<b>Delegate:</b>	Chief Executive Officer

## 12.2.3 Noise Management Plans – Construction Sites

<b>Delegator</b>	Department of Water and Environmental Regulation
<b>Express Power to Delegate</b>	Environmental Protection Act 1986 <i>s 20 – Delegation by CEO</i>
<b>Express Power or Duty Delegated:</b>	
<p>Published by: Environment</p> <p style="text-align: center;"><b>GOVERNMENT GAZETTE</b> Western Australia <a href="#">Previous</a> <a href="#">Close</a> <a href="#">Next</a></p> <p style="text-align: right;">No. 71. 16-May-2014 Page: 1548 <a href="#">Pdf</a> - 2Mb</p> <p><b>EV405</b></p> <p style="text-align: center;"><b>ENVIRONMENTAL PROTECTION ACT 1986</b></p> <p style="text-align: center;">Delegation No. 119</p> <p>I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department responsible for the administration of the <i>Environmental Protection Act 1986</i> ("the Act"), and pursuant to section 20 of the Act, hereby delegate to the holder for the time being of the offices of:-</p> <p style="margin-left: 40px;">(a) Chief Executive Officer under the <i>Local Government Act 1995</i>; and</p> <p style="margin-left: 40px;">(b) to any employee of the local government under the <i>Local Government Act 1995</i> who is appointed as an Authorised Person under section 87 of the Act,</p> <p>all my powers and duties in relation to noise management plans under regulation 13 of the <i>Environmental Protection (Noise) Regulations 1997</i>, other than this power of delegation.</p> <p>Under section 59(1)(e) of the <i>Interpretation Act 1984</i>, Delegation No. 111, gazetted 20 December 2013, is hereby revoked.</p> <p>Dated the 1st day of May 2014.</p> <p style="text-align: right;">JASON BANKS, Acting Chief Executive Officer.</p>	
<b>Delegate:</b>	Chief Executive Officer

**12.3 Main Roads Act 1930**

12.3.1 Traffic Management – Road Works

<b>Delegator</b>	Main Roads Western Australia
<b>Express Power to Delegate</b>	Road Traffic Code 2000 R 297(2) Power to erect traffic-control signals and road signs

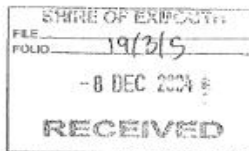
**Express Power or Duty Delegated:**



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](http://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

*CEO  
WJM-r*

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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](http://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.

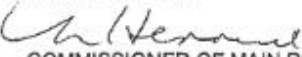
# Delegation Register


Shire of Exmouth

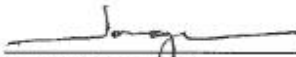


12

Dated: 31.12.04

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

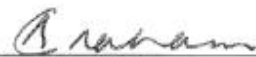
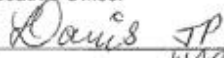


  
Signature of Witness  
Lesia Wozniak  
Name of Witness

**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 )


  
Chief Executive Officer  
  
Witness WA9044

MAIN ROADS Western Australia  
Revised to A.doc Page 2

Delegate:	Chief Executive Officer
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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](#)

## 12.3.2 Traffic Management – Events on Roads

<b>Delegator</b>	Main Roads Western Australia
<b>Express Power to Delegate</b>	Road Traffic Code 2000 R 297(2) Power to erect traffic-control signals and road signs
<p><b>Express Power or Duty Delegated:</b></p> <div style="text-align: center;">  <p><b>WESTERN AUSTRALIA ROAD TRAFFIC CODE 2000 REGULATION 297(2) INSTRUMENT OF AUTHORISATION</b></p> <p>RELATING TO TRAFFIC MANAGEMENT FOR EVENTS</p> </div> <p>Pursuant to Regulation 297(2) of the <i>Road Traffic Code 2000</i> the Commissioner of Main Roads ("the Commissioner") hereby authorises the <b>Shire of Exmouth</b> (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:</p> <ul style="list-style-type: none"> <li>i) "event" subject to an order from the Commissioner of Police pursuant to Part VA of the <i>Road Traffic Act 1974</i>;</li> <li>ii) race meeting or speed test for which the Minister referred to in section 139 of the <i>Road Traffic Administration Act 2008</i> has, under that provision, temporarily suspended the operation of any provisions of the <i>Road Traffic Act 1974</i> or regulations made under that Act; or</li> <li>iii) public meeting or procession the subject of a permit granted by the Commissioner of Police under the <i>Public Order in Streets Act 1984</i>;</li> </ul> <p>or as may be required for the purpose of controlling traffic on a road adjacent to, or in the vicinity of, any event or organised activity approved by the Authorised Body under its local laws, on a road (other than a main road or highway) within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:</p> <ul style="list-style-type: none"> <li>(a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Events Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Events Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the event, a copy of which can be obtained from Main Roads Western Australia from <a href="http://www.mainroads.wa.gov.au">www.mainroads.wa.gov.au</a> or by contacting Main Roads by phone;</li> <li>(b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and</li> <li>(c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.</li> </ul> <p>By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.</p> <p>The powers in this Instrument of Authorisation do not change or replace:</p> <ul style="list-style-type: none"> <li>1) any prior Instrument of Authorisation from the Commissioner of Main Roads for the purposes of undertaking traffic management for works on roads; and</li> <li>2) any powers and responsibilities of a local government provided in regulation 9 of the <i>Road Traffic (Events on Roads) Regulations 1991</i>.</li> </ul>	

# Delegation Register

Shire of Exmouth



Dated: 8<sup>th</sup> August 2023

THE COMMON SEAL OF THE  
COMMISSIONER OF MAIN ROADS

WAS AFFIXED BY PETER WODANOW



COMMISSIONER OF MAIN ROADS

FOR THE TIME BEING IN THE  
PRESENCE OF:

  
Signature of Witness

PHILIP D'ARON  
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

DARWIN  
Name of Witness (please print)  
Shire President, Shire of Exmouth

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