
Register of Delegations, Authorisations and Appointments



December 15, 2023

www.northampton.wa.gov.au
199 Hampton Street, Northampton WA 6535

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INTRODUCTION

The Delegations of Authority contained herein are made to the Chief Executive Officer pursuant to Section 5.42 of the *Local Government Act 1995* (the Act) and other Acts, where listed, some of these functions are hereby delegated by the Chief Executive Officer to Shire of Northampton employees pursuant to Section 5.44 of that Act or other Acts. All delegations made by the Council under the Act (or other Acts) must be by **absolute majority** decision where required.

The Act provides that the following are decisions that cannot be delegated to the Chief Executive Officer:

- Any power or duty that requires a decision of an absolute majority or 75% majority of the local government.
- Accepting a tender which exceeds an amount determined by the local government.
- Appointing an auditor.
- Acquiring or disposing of any property valued at an amount determined by the local government.
- Any of the local government's powers under Sections 5.98, 5.99 and 5.100 of the Act.
- Borrowing money on behalf of the local government.
- Hearing or determining an objection of a kind referred to in Section 9.5.
- The power under Section 9.49A (4) to authorise a person to sign documents on behalf of the local government.
- Any power or duty that requires the approval of the Minister or Governor.
- Such other duties or powers that may be prescribed by the Act.

The Act allows for the Chief Executive Officer to delegate any of their powers to another employee, this must be done in writing. The Act allows for the Chief Executive Officer to place conditions on any delegations if required.

A register of delegations, being this manual, relevant to the Chief Executive Officer and other employees is to be kept and reviewed at least once every financial year.

If a person is exercising a power or duty that they have been delegated, the Act requires them to keep necessary records to the exercise of the power or discharge of the duty. The written record is to contain:

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

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 other officers in some instances, in accordance with the provisions of other legislation. The aim of the delegated authority manual is to assist with improving the time taken

to make decisions within the constraints allowed by the relevant legislation. This is consistent with the Shire's commitment to a strong customer service focus. Business units responsible for a work process are to ensure that data is captured and records managed in accordance with all legislation, as well as preparing reports to Council where required under a specific delegation.

Each instrument of delegation describes the function being delegated and the relevant statutory reference which is the source of power for the exercise of the function. Also included is a reference to related documents such as policies of the Council which may provide guidance in the exercise of the delegation.

Transfer of Authority Due to Absence

Where an employee not named has been appointed by Council or by an employee authorised to make the appointment to act in a position to which the named employee is appointed, the authority shall transfer to the employee acting as appointed, for the duration of the authorisation.

Acting Through

The Act does not specifically define the meaning of the term 'acting through' however section 5.45(2) states;

"Nothing in this division is to be read as preventing –

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

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

Conversely, where the statute allows for discretion on the part of the decision maker, then the function must be:

- delegated; or,
- where applicable a person authorised; or,
- a policy implemented that provides sufficient control,

for another person to have that authority and fulfil the function or duty.

Where considered appropriate and effective in operation, discretionary matters will be determined by Council through policy. The policy decision may then be implemented by officers through the 'acting through' concept. In these instances there is no need for a delegated authority as it is the responsibility of the CEO to implement the Shire's policies.

Standard Conditions of Delegations

All delegations are subject to the following conditions:

- In exercising a delegation, the Chief Executive Officer is to comply with any, and all laws and regulations in force in Western Australia and the requirements of any, and all laws and policies of the Shire of Northampton.
- Delegated authority cannot be exercised where a financial interest or interest affecting impartiality is evident.
- In exercising a delegation, the Chief Executive Officer is to exercise the delegation in accordance with any budget authority where applicable.

COUNCIL TO CEO DELEGATIONS -
Local Government Act 1995

1 - Appointment of Acting Chief Executive Officer

Function Delegated	<p>Appoint an Acting Chief Executive Officer as follows:</p> <ul style="list-style-type: none"> • For periods of one week or more, appoint one of the Senior Employees on a rotational basis or as deemed appropriate. • For periods of less than one week, Senior Employees act in the position as appointed by the Chief Executive Officer.
Statutory Power Delegated	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • Section 5.36(1)(a) Local government employees
Statutory Power to Delegate:	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • Section 5.42- Delegation of some powers or duties to the CEO • Section 5.43- Limitations on delegations to the CEO
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	Nil.
Sub Delegated to:	Nil.
Conditions on Delegation/Sub-Delegation	<ul style="list-style-type: none"> • For periods up to one week, entitlement of any 'higher duties' or other form of allowance will be at the CEO's discretion. • In the event of unscheduled absences, an available Senior Employee is authorised to act in the role of Chief Executive Officer. • Appointment of position to Acting CEO does not extend to employees acting in the position of Senior Employees. • In the event the CEO's position becomes vacant then sections 5.36(2)(a) and (b), 5.39 and 5.40 of the <i>Local Government Act 1995</i> and Regulations 18A, 18B, 18C, 18F and 19A of the <i>Local Government (Administration) Regulations 1996</i> will apply and a separate resolution of Council will be required by absolute majority.
Policy/Compliance Links	Appointment of Acting Chief Executive Officer Policy applies.
Record Keeping	<p>Record to be kept on personnel files.</p> <p>Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.</p>
Date of Council Adoption	15 December 2023

2 - Powers of Entry

Function Delegated	<ul style="list-style-type: none"> • Authorise entry onto land to fulfil any statutory function that the local government has under the <i>Local Government Act 1995</i>. • Give a Notice of Entry. • Seek and execute an entry under warrant. • Execute an entry in an emergency, using such force as is reasonable. • Give notice and execute the opening of a fence.
Statutory Power Delegated	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • Section 3.28- When this subdivision applies • Section 3.32- Notice of Entry • Section 3.33- Entry under Warrant • Section 3.34- Entry in an Emergency • Section 3.36- Opening Fences
Statutory Power to Delegate:	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • Section 5.42 - Delegation of some powers or duties to the CEO • Section 5.43 - Limitations on delegations to the CEO
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • Section 5.44 - CEO may delegate powers and duties to other employees
Sub Delegated to:	<p>Executive Manager Community, Development and Regulation Executive Manager Corporate Services Executive Manager Works and Technical Services</p>
Conditions on Delegation/Sub-Delegation	A warrant to enter may only be sought after the employee has a sworn affidavit setting out circumstances that gave rise to the need for a warrant (unless an emergency).
Policy/Compliance Links	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • Part 3, Division 3, Subdivision 3; specifically Section 3.31 <ul style="list-style-type: none"> - General procedure for entering property.
Record Keeping	<p>Record to be kept on file.</p> <p>Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.</p>
Date of Council Adoption	15 December 2023

3 - Temporary Road Closures

Function Delegated	<ul style="list-style-type: none"> • Close a thoroughfare managed by the Shire (wholly or partially) for a period of less than four weeks. • Close a thoroughfare managed by the Shire (wholly or partially) for a period of more than four weeks. • Close a thoroughfare to a particular class or classes of vehicles.
Statutory Power Delegated	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • Section 3.50- Closing certain thoroughfares to vehicles • Section 3.50A- Partial closure of thoroughfares for repairs or maintenance • Section 3.50(4)- Give local public notice • Section 3.51- Affected owners to be notified of certain proposals (fixing or altering of levels or alignment, or draining water)
Statutory Power to Delegate:	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • Section 5.42- Delegation of some powers or duties to the CEO • Section 5.43- Limitations on delegations to the CEO
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • Section 5.44- CEO may delegate powers and duties to other employees
Sub Delegated to:	<p>Executive Manager Community, Development and Regulation Executive Manager Works and Technical Services Northampton Leading Hand Construction Northampton Leading Hand Maintenance Kalbarri Leading Hand</p>
Conditions on Delegation/Sub-Delegation	<ul style="list-style-type: none"> • Shire must send a copy of the notice to the Commissioner for Main Roads under section 3.50(5) if closure is more than four weeks • Temporary road closures of more than four weeks and where objections have been received are to be by Council resolution • This delegation does not cover permanent road closures which are governed by the <i>Land Administration Act 1997</i> • Under section 3.50(A) the Shire may partially and temporarily close a thoroughfare, without giving local public notice, if the closure- <ol style="list-style-type: none"> 1. Is for the purpose of carrying out repairs and maintenance: and 2. Is unlikely to have significant adverse effect on users of the thoroughfare.
Policy/Compliance Links	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • Part 3, Division 3, Subdivision 5

Record Keeping	Record to be kept on file. Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.
Date of Council Adoption	15 December 2023

4 – Payments from the Municipal and Trust Fund

Function Delegated	Make payments from the municipal fund and trust fund
Statutory Power Delegated	<i>Local Government (Financial Management) Regulations 1996</i> <ul style="list-style-type: none"> Regulations 12(1)(a)- Payments from municipal fund or trust fund, restrictions on making payments
Statutory Power to Delegate:	<i>Local Government Act 1995</i> <ul style="list-style-type: none"> Section 5.42- Delegation of some powers or duties to the CEO Section 5.43- Limitations on delegations to the CEO
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<i>Local Government Act 1995</i> <ul style="list-style-type: none"> Section 5.44- CEO may delegate powers and duties to other employees
Sub Delegated to:	Executive Manager Community, Development and Regulation Executive Manager Corporate Services Executive Manager Works and Technical Services Finance Officer
Conditions on Delegation/Sub-Delegation	Authorisation of all payments from both the Municipal and Trust funds must carry two signatories or authorities.
Policy/Compliance Links	<i>Local Government (Financial Management) Regulations 1996</i> <ul style="list-style-type: none"> Regulation 5- CEO's duties as to financial management Regulation 11- Payments, procedures for making, etc. Regulation 12- Payments from municipal fund or trust fund- restrictions on making Regulation 13- Payments from municipal fund or trust fund by CEO, CEO's Duties as to, etc.
Record Keeping	Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected. Records of decisions are retained in minutes of Council meetings.
Date of Council Adoption	15 December 2023

5 – Investments

Function Delegated	<p>Surplus funds may be invested in the following institutions:</p> <ul style="list-style-type: none"> • The Council's account holding bank; • An authorised deposit-taking institution as defined in the <i>Banking Act 1959</i> (Commonwealth) section 5; or • The Western Australian Treasury Corporation established by the <i>Western Australian Treasure Corporation Act 1986</i>.
Statutory Power Delegated	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • Section 6.14 – Power to invest <p><i>Local Government (Financial Management) Regulations 1996</i></p> <ul style="list-style-type: none"> • Regulation 19- Management of investments
Statutory Power to Delegate:	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • Section 5.42- Delegation of some powers or duties to the CEO • Section 5.43- Limitations on delegations to the CEO
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • Section 5.44- CEO may delegate powers and duties to other employees
Sub Delegated to:	Executive Manager Corporate Services
Conditions on Delegation/Sub-Delegation	See Council Policy Investment of Surplus Funds.
Policy/Compliance Links	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • Section 6.14 – Power to invest <p><i>Local Government (Financial Management) Regulations 1996</i></p> <ul style="list-style-type: none"> • Regulation 19 – Investments, control procedures for • Regulation 19C – Investment of money, restrictions on • Regulation 28 – Investment information required in notes (Annual Budget) • Regulation 49 – Invested money, information about annual financial report <p><i>Trustee Act 1962</i></p> <ul style="list-style-type: none"> • Part III – Investments <p>Investment of Surplus Funds Policy</p>
Record Keeping	<ul style="list-style-type: none"> • Investment Register • Monthly financial management report to Council and retained in minutes of Ordinary Council Meetings. <p>Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of</p>

	how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.
Date of Council Adoption	15 December 2023

6 – Objection to Rate Record

Function Delegated	<ul style="list-style-type: none"> Extend the time for making an objection to the rate record for a period of time as it sees fit. Consider any objection to the rate record and may either disallow it or allow it, wholly or in part.
Statutory Power Delegated	<i>Local Government Act 1995</i> <ul style="list-style-type: none"> Section 6.76(4), (5) and (6) - Grounds of objection
Statutory Power to Delegate:	<i>Local Government Act 1995</i> <ul style="list-style-type: none"> Section 5.42- Delegation of some powers or duties to the CEO Section 5.43- Limitations on delegations to the CEO
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<i>Local Government Act 1995</i> <ul style="list-style-type: none"> Section 5.44- CEO may delegate powers and duties to other employees
Sub Delegated to:	Executive Manager Corporate Services Rates Officer
Conditions on Delegation/Sub-Delegation	A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a rate record objection must not be party to any determination under this delegation.
Policy/Compliance Links	<i>Local Government Act 1995</i> <ul style="list-style-type: none"> Part 6, Division 6, Sub-division 7- Objections and review
Record Keeping	<p>Record to be kept on file classification against relevant property.</p> <p>Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.</p> <p>The delegate is to ensure that all evidentiary documents meet the requirements of Regulation 19 and are retained on the Shire's record keeping database.</p>
Date of Council Adoption	15 December 2023

7 – Disposing of Confiscated or Uncollected Goods

Function Delegated	<ul style="list-style-type: none"> • Sell or otherwise dispose of any confiscated or impounded goods. • Humanely destroy an impounded animal where it is determined to be too ill or injured to treat and dispose of carcass. • Where an offender is convicted, recover from the offender expenses incurred for removing, impounding and disposing confiscated or impounded goods.
Statutory Power Delegated	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • Section 3.46 Goods may be withheld until costs paid • Section 3.47(1), (2),(2a)- Disposing of confiscated or uncollected goods • Section 3.47A(1)- Disposal of sick or injured animals • Section 3.48- Recovery of impounding expenses
Statutory Power to Delegate:	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • Section 5.42- Delegation of some powers or duties to the CEO • Section 5.43- Limitations on delegations to the CEO
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • Section 5.44- CEO may delegate powers and duties to other employees
Sub Delegated to:	Executive Manager Community, Development & Regulation Executive Manager Corporate Services Rangers
Conditions on Delegation/Sub-Delegation	<ul style="list-style-type: none"> • Delegation only to be used where the delegate's reasonable efforts to identify and contact an owner have failed. • Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions & General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable. • Rangers cannot dispose of or sell confiscated or uncollected goods.
Policy/Compliance Links	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • Part 3, Division 3, Subdivision 3 • Section 3.58- Disposing of property <p><i>Local Government (Functions and General) Regulation 1996</i></p> <ul style="list-style-type: none"> • Regulation 30- Dispositions of property excluded from Act
Record Keeping	<p>Record to be kept on file.</p> <p>Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and</p>

	when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.
Date of Council Adoption	15 December 2023

8 – Appointment of Designated Employees

Function Delegated	<ul style="list-style-type: none"> • Appoint designated employees required to submit a primary and annual return.
Statutory Power Delegated	<i>Local Government Act 1995</i> <ul style="list-style-type: none"> • Section 5.74(1)- terms used- designated employees
Statutory Power to Delegate:	<i>Local Government Act 1995</i> <ul style="list-style-type: none"> • Section 5.42- Delegation of some powers or duties to the CEO • Section 5.43- Limitations on delegations to the CEO
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<i>Local Government Act 1995</i> <ul style="list-style-type: none"> • Section 5.44- CEO may delegate powers and duties to other employees
Sub Delegated to:	Nil.
Conditions on Delegation/Sub-Delegation	Nil.
Policy/Compliance Links	<i>Local Government Act 1995</i> <ul style="list-style-type: none"> • Section 5.70 - Disclosure of Interest • Section 5.75 – Primary Returns • Section 5.76 – Annual Returns • Section 5.82 – Gifts • Section 5.83 – Contributions to Travel
Record Keeping	<p>Record to be kept on file or in gift register.</p> <p>Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.</p>
Date of Council Adoption	15 December 2023

9 – Administration of Local Laws

Function Delegated	<p>Power to:</p> <ul style="list-style-type: none"> • Administer the provisions of any Shire of Northampton Local Laws made under Division 2 of Part 3 of the <i>Local Government Act 1995</i> or other relevant Act. • Determine applications received in accordance with any Shire of Northampton Local Law. • Exercise the powers, duties and functions of the local government under those local laws.
Statutory Power Delegated	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • Section 3.18 – Performing executive functions
Statutory Power to Delegate:	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • Section 5.42- Delegation of some powers or duties to the CEO.
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • Section 5.44- CEO may delegate powers and duties to other employees
Sub Delegated to:	<p><u>For the purposes of actioning the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2017</u></p> <ul style="list-style-type: none"> • Executive Manager Works and Services • Executive Manager Community, Development & Regulation • Executive Manager Corporate Services • Ranger • Environmental Health Officer • Principal Building Surveyor • Northampton Leading Hand Construction • Northampton Leading Hand Maintenance • Kalbarri Leading Hand • Gardener <p><u>For the purposes of actioning the Bush Fire Brigades Local Law 2017</u></p> <ul style="list-style-type: none"> • Executive Manager Community, Development & Regulation • Executive Manager Corporate Services • Ranger <p><u>For the purposes of actioning the Cemeteries Local Law 2017</u></p> <ul style="list-style-type: none"> • Executive Manager Corporate Services • Rates Officer • Executive Manager Works and Technical Services <p><u>For the purposes of actioning the Dog Local Law 2017</u></p> <ul style="list-style-type: none"> • Executive Manager Community, Development & Regulation • Ranger

Sub Delegated to (cont):	<p><u>For the purposes of actioning the Fencing Local Law 2017</u></p> <ul style="list-style-type: none"> • Executive Manager Community, Development & Regulation • Principal Building Surveyor • Planning Officer <p><u>For the purposes of actioning the Health Local Law 2007</u></p> <ul style="list-style-type: none"> • Executive Manager Community, Development & Regulation • Environmental Health Officer <p><u>For the purposes of actioning the Property Local Law 2017</u></p> <ul style="list-style-type: none"> • Executive Manager Works and Services • Executive Manager Community, Development & Regulation • Executive Manager Corporate Services • Ranger • Environmental Health Officer • Principal Building Surveyor • Planning Officer • Northampton Leading Hand Construction • Northampton Leading Hand Maintenance • Kalbarri Leading Hand • Gardener <p><u>For the purposes of actioning the Urban Environment and Nuisance Local Law 2017</u></p> <ul style="list-style-type: none"> • Executive Manager Works and Services • Executive Manager Community, Development & Regulation • Executive Manager Corporate Services • Ranger • Environmental Health Officer • Principal Building Surveyor • Planning Officer • Northampton Leading Hand Construction • Northampton Leading Hand Maintenance • Kalbarri Leading Hand • Gardener
Conditions on Delegation/Sub-Delegation	Subject to specific delegation assigned by the CEO based on training, experience and role.
Policy/Compliance Links	<ul style="list-style-type: none"> • Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2017 • Bush Fire Brigades Local Law 2017 • Cemeteries Local Law 2017 • Dog Local Law 2017 • Fencing Local Law 2017 • Health Local Law 2007 • Property Local Law 2017 • Urban Environment and Nuisance Local Law 2017
Record Keeping	Records to be kept on relevant files.

	Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.
Date of Council Adoption	15 December 2023

10 – Gates across Public Thoroughfares

Function Delegated	<ul style="list-style-type: none"> • Power 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. • Power 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. • Power to impose conditions on granting permission. • Power to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted. • Power 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.
Statutory Power Delegated	<p><i>Local Government (Uniform Local Provisions) Regulations 1996</i></p> <ul style="list-style-type: none"> • Regulation 9 - Permission to have gate across public thoroughfare – Sch. 9.1 cl.5 (1)
Statutory Power to Delegate:	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • Section 5.42- Delegation of some powers or duties to the CEO • Section 5.43- Limitations on delegations to the CEO
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • Section 5.44- CEO may delegate powers and duties to other employees
Sub Delegated to:	Executive Manager Works and Services
Conditions on Delegation/Sub-Delegation	Nil.
Policy/Compliance Links	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • Part 9 , Division 2 – Enforcement and Legal Proceedings <p><i>Local Government (Uniform Local Provisions) Regulations 1996</i></p>
Record Keeping	<p>Record to be kept on relevant file.</p> <p>Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.</p>
Date of Council Adoption	15 December 2023

11 - Reserves Under the Control of Local Government

Function Delegated	Authority to do anything for the purpose of controlling and managing land under the control and management of the Shire, that the Shire could do under section 5 of the <i>Parks and Reserves Act 1895</i> . (s.3.54(1))
Statutory Power Delegated	<i>Local Government Act 1995</i> : <ul style="list-style-type: none"> Section 3.54(1) Reserves under control of local government
Statutory Power to Delegate:	<i>Local Government Act 1995</i> <ul style="list-style-type: none"> Section 5.42- Delegation of some powers or duties to the CEO Section 5.43- Limitations on delegations to the CEO
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<i>Local Government Act 1995</i> : <ul style="list-style-type: none"> Section 5.44 CEO may delegate some powers and duties to other employees
Sub Delegated to:	Executive Manager Community, Development and Regulation Executive Manager Corporate Services Executive Manager Works and Technical Services Northampton Leading Hand Construction Northampton Leading Hand Maintenance Kalbarri Leading Hand
Conditions on Delegation/Sub-Delegation	Limited to matters where the financial implications do not exceed a relevant and current budget allocation, and which do not create a financial liability in future budgets. The power under s5(1)(f) of the <i>Parks and Reserves Act 1895</i> to 'grant licences for the removal of any sand, gravel or other earth or mineral' may only be exercised by Council.
Policy/Compliance Links	<i>Local Government Act 1995</i> <ul style="list-style-type: none"> Section 3.53(3) - Control of certain unvested facilities Section 3.54(1) - Reserves under control of local government Section 5 - <i>Parks and Reserves Act 1895</i>
Record Keeping	Relevant file. Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.
Date of Council Adoption	15 December 2023

12 – Recovery of Rates Debts – Actions to Take Possession of the Land

Function Delegated	<ul style="list-style-type: none"> • Authority to take possession of land and hold the land as 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: <ul style="list-style-type: none"> • Lease of the land; or • sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: <ul style="list-style-type: none"> i. cause the land to be transferred to the Crown (s.6.71 and s.6.74); or ii. cause the land to be transferred to the Shire (s.6.71). • 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)). • Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, services charges and costs within 7 days of and prior to the proposed sale (s.6.69(2)).
Statutory Power Delegated	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • Section 6.64(1) & (3) - Actions to be taken • Section 6.69(2) - Right to pay rates, service charges and costs, and stay proceedings • Section 6.71 - Power to transfer land to Crown or local government • Section 6.74 - Power to have land re-vested in Crown if rates in arrears 3 years
Statutory Power to Delegate:	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • Section 5.42- Delegation of some powers or duties to the CEO • Section 5.43- Limitations on delegations to the CEO
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • Section 5.44 CEO may delegate some powers and duties to other employees
Sub Delegated to:	Executive Manager Corporate Services
Conditions on Delegation/Sub-Delegation	<ul style="list-style-type: none"> • In accordance with Section 6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale without having, within the previous three years attempted to recover the outstanding rates/charges through a court, under Section 6.56 after obtaining Council approval to do so.

Policy/Compliance Links	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> Part 6, Division 6 Subdivision 6 and Schedule.6.3 prescribe procedures relevant to exercise of authority under this delegation. <p><i>Local Government (Financial Management) Regulations 1996</i></p> <ul style="list-style-type: none"> Regulations 72 - 78 prescribe forms and procedures relevant to exercise of authority under this delegation.
Record Keeping	<p>Relevant property file.</p> <p>Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.</p>
Date of Council Adoption	15 December 2023

13 – Agreement as to Payment of Rates and Service Charges

Function Delegated	Power to make an agreement with a person for the payment of rates or service charges.
Statutory Power Delegated	<i>Local Government Act 1995</i> <ul style="list-style-type: none"> Section 6.49 Agreement as to payment of rates and service charges
Statutory Power to Delegate:	<i>Local Government Act 1995</i> <ul style="list-style-type: none"> Section 5.42- Delegation of some powers or duties to the CEO Section 5.43- Limitations on delegations to the CEO
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.44 CEO may delegate some powers and duties to other employees
Sub Delegated to:	Executive Manager Corporate Services
Conditions on Delegation/Sub-Delegation	Nil.
Policy/Compliance Links	<i>Local Government Act 1995</i> <ul style="list-style-type: none"> Section 6.49 Agreement as to payment of rates and service charges The Shire's Financial Hardship (Rate Relief) Policy applies.
Record Keeping	Relevant file. Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.
Date of Council Adoption	15 December 2023

14 - Rateable Land Exemptions

Function Delegated	Authority to determine rate exemption applications in accordance with Section 6.26 of the <i>Local Government Act 1995</i> .
Statutory Power Delegated	<i>Local Government Act 1995</i> <ul style="list-style-type: none"> Section 6.26 – Rateable land
Statutory Power to Delegate:	<i>Local Government Act 1995</i> <ul style="list-style-type: none"> Section 5.42- Delegation of some powers or duties to the CEO Section 5.43- Limitations on delegations to the CEO
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<i>Local Government Act 1995</i> : <ul style="list-style-type: none"> Section 5.44 CEO may delegate some powers and duties to other employees
Sub Delegated to:	Executive Manager Corporate Services
Conditions on Delegation/Sub-Delegation	Council is to be advised of any decision to exempt a property from being rated.
Policy/Compliance Links	<i>Local Government Act 1995</i> <ul style="list-style-type: none"> Section 6.26 – Rateable land
Record Keeping	Relevant property file. Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.
Date of Council Adoption	15 December 2023

15 – Tenders for Goods and Services

Function Delegated	<p>Authority to determine:</p> <ul style="list-style-type: none"> • to call tenders for any items included in the Annual Budget (<i>Functions and General</i>) Regulation 11); • to invite tenders though not required to do so ((<i>Functions and General</i>) Regulation 13); • the selection criteria for deciding which tender should be accepted (<i>Functions and General</i>) Regulation 14(2a)); • the information to be disclosed to those interested in submitting a tender (<i>Functions and General</i>) Regulation 14(4)(a)); • to vary tender information after public notice of invitation to tender and before the close of tenders (<i>Functions and General</i>) Regulation. 14(5)); • to seek clarification from tenderers in relation to information contained in their tender submission (<i>Functions and General</i>) Regulation 18(4a)); • to evaluate tenders and decide which is the most advantageous (<i>Functions and General</i>) Regulation 18(4)); • to accept or reject tenders (<i>Functions and General</i>) Regulation 18(2) and (4)); • to decline any tender (<i>Functions and General</i>) Regulation 18(5)); • minor variations before entering into a contract (<i>Functions and General</i>) Regulation 20); • to accept the next most advantageous tender where within 6 months of accepting a tender a contract has not been entered into, or the successful tenderer agrees to terminate the contract (<i>Functions and General</i>) Regulation 18 (6) and (7)); • appropriate circumstances for seeking and inviting expressions of interest for the supply of goods or services (<i>Functions and General</i>) Regulation 21); and • 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 (<i>Functions and General</i>) Regulation Reg. 23).
Statutory Power Delegated	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • Section 3.57 Tenders for providing goods or services. <p><i>Local Government (Functions and General) Regulations 1996:</i></p> <ul style="list-style-type: none"> • Regulation 11 - When tenders have to be publicly invited • Regulation 13 - Requirements when local government invites tenders though not required to do so • Regulation 14 - Publicly inviting tenders, requirements for • Regulation 18 - Rejecting and accepting tenders • Regulation 20 - Variation of requirements before entry into contract • Regulation 21A - Varying a contract for the supply of goods or services

Statutory Power to Delegate:	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • Section 5.42- Delegation of some powers or duties to the CEO • Section 5.43- Limitations on delegations to the CEO
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • Section 5.44 CEO may delegate some powers and duties to other employees
Sub Delegated to:	Nil.
Conditions on Delegation/Sub-Delegation	<ul style="list-style-type: none"> • Sole supplier arrangements may only be approved where a record is retained that evidences rationale for why the supply is unique and cannot be sourced through other suppliers. • Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget and where the: <ul style="list-style-type: none"> i. proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government; ii. current supply contract expiry is imminent; iii. value of the proposed new contract has been included in the draft Annual Budget proposed for adoption. iv. The tender specification includes a provision that the tender will only be awarded subject to the budget adoption by Council. • In accordance with Section 5.43, tenders may only be accepted, and panels of pre-qualified suppliers established, where the total consideration under the resulting contract is \$250,000 or less and the expense is included in the adopted Annual Budget. • Authority to enter into a variation <i>Functions and General</i> regulation 20(1), regulation 20(2) subject to: <ul style="list-style-type: none"> i. That the variation is minor having regard to the total goods or services that tenderers were invited to supply and shall be consistent with the intended purpose of the contract. ii. Minor variations to the goods and services required may only be negotiated and agreed prior to entering into a contract up in accordance with the Shire's Tendering Policy.
Policy/Compliance Links	<p><i>Local Government (Functions and General) Regulations 1996:</i></p> <p>Shire of Northampton Policies:</p> <ul style="list-style-type: none"> • Purchasing and Tender Guide Purchasing Policy • Tender Procedure Policy
Record Keeping	Relevant file.

	Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.
Date of Council Adoption	15 December 2023

16 – Crossing – Construction, Repair and Removal

Function Delegated	<ul style="list-style-type: none"> • 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. • Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government. • Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing.
Statutory Power Delegated	<p><i>Local Government (Uniform Local Provisions) Regulations 1996:</i></p> <ul style="list-style-type: none"> • Regulation 12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7(2) • Regulation 13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)
Statutory Power to Delegate:	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • Section 5.42- Delegation of some powers or duties to the CEO • Section 5.43- Limitations on delegations to the CEO
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • Section 5.44 CEO may delegate some powers and duties to other employees
Sub Delegated to:	Executive Manager Works and Services Northampton Leading Hand Construction Northampton Leading Hand Maintenance Kalbarri Leading Hand
Conditions on Delegation/Sub-Delegation	<p>Actions under this delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</p> <p>Penalties under the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>.</p>
Policy/Compliance Links	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • Part 9, Division 2. <p><i>Local Government (Uniform Local Provisions) Regulations 1996</i></p>
Record Keeping	<p>Relevant file.</p> <p>Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.</p>
Date of Council Adoption	15 December 2023

17 – Declared Vehicle is Abandoned Wreck

Function Delegated	<ul style="list-style-type: none"> • Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
Statutory Power Delegated	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> Section 3.40A(4) Abandoned vehicle wreck may be taken.
Statutory Power to Delegate:	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • Section 5.42- Delegation of some powers or duties to the CEO • Section 5.43- Limitations on delegations to the CEO
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • Section 5.44 CEO may delegate some powers and duties to other employees
Sub Delegated to:	Executive Manager Community, Development & Regulation Ranger
Conditions on Delegation/Sub-Delegation	Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 9 - Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision.
Policy/Compliance Links	Nil.
Record Keeping	<p>Relevant file.</p> <p>Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.</p>
Date of Council Adoption	15 December 2023

CEO TO EMPLOYEE DELEGATIONS –
Local Government Act 1995

1 – Appointment of Authorised Persons

Function Delegated	<p>1. Authority to appoint persons or classes of persons as authorised persons [s.9.10(2)] for the purpose of fulfilling functions of an authorised person prescribed in the following legislation inclusive of subsidiary legislation made under each Act i.e. Regulations:</p> <p>(a) Local Government Act 1995 and its subsidiary legislation, including Local Government Act Regulations, the <i>Local Government (Miscellaneous Provisions) Act 1960</i> and Local Laws made under the Local Government Act.</p> <p>(b) <i>Caravan Parks and Camping Grounds Act 1995</i>;</p> <p>(c) <i>Cat Act 2011</i>;</p> <p>(d) <i>Cemeteries Act 1986</i>;</p> <p>(e) <i>Control of Vehicles (Off-road Areas) Act 1978</i>;</p> <p>(f) <i>Dog Act 1976</i>;</p> <p>(g) Graffiti Vandalism Act 2016 – refer s.15; and</p> <p>(e) any other legislation prescribed for the purposes of s.9.10 of the <i>Local Government Act 1995</i>.</p> <p>2. Authority to authorise an employee to certify copies of local laws or any other document adopted by Council as a true copy [s.9.31].</p>
Statutory Power or Duty Delegated	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> Section 9.10- Appointment of authorised persons Section 3.24- Authorising persons under this subdivision Section 3.31 – General procedure for entering property
Statutory Power to Delegate:	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> Section 5.44 - CEO may delegate some powers and duties to other employees
Delegator:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> Section 5.44- CEO may delegate powers and duties to other employees
Sub Delegated to:	<p>Executive Manager Community, Development and Regulation Executive Manager Corporate Services Executive Manager Works and Technical Services Environmental Health Officer Planning Officer Principal Building Surveyor Rates Officer Finance Officer Planning Officer Ranger Northampton Leading Hand Construction Northampton Leading Hand Maintenance</p>

	Kalbarri Leading Hand
Conditions on Delegation/Sub-Delegation	<p>The Chief Executive Officer is exclusively delegated the authority of Section 9.10. This section is not sub-delegated to any other employee.</p> <p><u>Prohibitions</u> Specific sections of the <i>Local Government Act 1995</i> where delegation (including Acting Through) is prohibited include: 2.11(2), 2.12A(1)(b), 2.17(3), 2.25(1), 3.5, 3.6(1), 3.12(4), 3.16(4), 3.59(5), 4.9(1), 4.16(4), 4.17(2), 4.20(2), 4.20(4), 4.57(3), 4.61(2), 5.2, 5.3(1), 5.4, 5.8, 5.15, 5.16(1), 5.36(1), 5.37(2), 5.42(1), 5.43, 5.54(1), 5.98(1)(b), 5.98A, 5.99, 5.99A, 6.2(1), 6.3, 6.11(2), 6.12(1)(a), 6.13(1), 6.16(1), 6.16(3), 6.20(1), 6.20(2), 6.20(3)(a), 6.20(3)(b), 6.29(2), 6.32(1), 6.32(3), 6.33(1), 6.35(1), 6.37(1), 6.38(1), 6.45(1), 6.45(3), 6.46, 6.51(1), 7.1A(1), 7.1A(2), 7.1B, 7.3(1), 7.3(2), 7.6(3), 9.6(1).</p> <p>Schedule 2.2 4(2), 4(3), 4(3), 4(4), 5.</p> <p>Schedule 6.1 1(1), 2(1).</p> <p>Specific regulations of the <i>Local Government (Functions and General) Regulations 1996</i> where delegation (including Acting Through) is prohibited include: 11(2)(d), 14(4)(a).</p> <p>Specific regulations of the <i>Local Government (Administration) Regulations 1996</i> where delegation (including Acting Through) is prohibited include: 14A(1)(c), 19C(7), 19DA(6).</p> <p>Specific regulations of the <i>Local Government (Financial Management) Regulations 1996</i> where delegation (including Acting Through) is prohibited include: 33A(3), 54, 64(2), 67, 70.</p> <p>Specific regulations of the <i>Local Government (Audit) Regulations 1996</i> where delegation (including Acting Through) is prohibited include: 14(3).</p>
Policy/Compliance Links	<p><i>Local Government Act 1995</i></p> <p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <ul style="list-style-type: none"> • Subdivision 2- Certain provisions about land • Schedule 3.1- Powers under notices to owners or occupiers of land • Section 3.25- Notices requiring certain things to be done by owner or occupier of land • Section 3.26- Additional powers when notice given

	<ul style="list-style-type: none"> • Section 3.27 and Schedule 3.2 -Particular things local governments can do on land even though it is not local government property • Section 3.39- Power to remove or impound • <i>Local Government (Miscellaneous Provisions) Act 1960</i> • <i>Graffiti Vandalism Act 2016</i> • Local Government Act Regulations • Shire of Northampton Local Laws
Record Keeping	<p>A register of Authorised Persons is to be maintained as a Local Government Record.</p> <p>Only persons who are appropriately qualified and trained may be appointed as Authorised persons.</p> <p>Record to be kept on relevant personnel files.</p> <p>Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.</p>
Date of Council Adoption	15 December 2023

2- Determine if an Emergency for Emergency Powers of Entry

Delegator:	Chief Executive Officer
Function Delegated	<ul style="list-style-type: none"> Authority to determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions.
Statutory Power Delegated	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> Section 3.34(2)- Entry in an Emergency
Statutory Power to Delegate:	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> Section 5.44- CEO may delegate powers and duties to other employees
Statutory Power to Sub-Delegate:	Nil.
Delegated to:	<p>Executive Manager Community, Development and Regulation Executive Manager Corporate Services Executive Manager Works and Technical Services Environmental Health Officer Planning Officer Principal Building Surveyor Ranger Northampton Leading Hand Construction Northampton Leading Hand Maintenance Kalbarri Leading Hand</p>
Conditions on Delegation	<p>An emergency exists where the Shire or the Chief Executive Officer is of the opinion that the circumstances are such that compliance with the requirements for obtaining entry other than under section 3.34 of the <i>Local Government Act 1995</i> would be impractical or unreasonable because of, or because of the imminent risk of:</p> <ol style="list-style-type: none"> i. injury or illness to any person; ii. a natural or other disaster or emergency; or iii. such other occurrence as is prescribed under the <i>Local Government (Functions and General) Regulations 1996</i> for the purposes of section 3.34 of the <i>Local Government Act 1995</i>.
Policy/Compliance Links	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> Part 3, Division 3, Subdivision 3; specifically Section 3.31 - General procedure for entering property.
Record Keeping	Record to be kept on relevant property file.
Date of CEO Approval	15 December 2023

3- Appoint Persons (other than employees) to Open Tenders

Delegator:	Chief Executive Officer
Function Delegated	Authority to appoint one person (other than employees) to be present with an employee of the Local Government to open tenders, when two employees are unable to attend then tender opening.
Statutory Power Delegated	<i>Local Government (Functions and General) Regulations 1996:</i> Regulation 16(3) Receiving and opening tenders, procedure for
Statutory Power to Delegate:	<i>Local Government Act 1995</i> <ul style="list-style-type: none"> Section 5.44- CEO may delegate powers and duties to other employees
Statutory Power to Sub-Delegate:	Nil.
Sub Delegated to:	Executive Manager Corporate Services
Conditions on Delegation/Sub-Delegation	Nil.
Policy/Compliance Links	Shire of Northampton Policies: <ul style="list-style-type: none"> Purchasing and Tender Guide Purchasing Policy Tender Procedure Policy
Record Keeping	Record to be kept on relevant file.
Date of CEO Approval	15 December 2023

4- Information to be Available to the Public

Delegator:	Chief Executive Officer
Function Delegated	<ul style="list-style-type: none"> • Authority to determine the manner and form by which a person may request copies of rates record information [s.5.94(m)] or owners and occupiers register and electoral rolls [s.94(s)] and to make the information available, if satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes [Admin r.29B]. • Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s.95(1)(b)]. • Authority to determine not to provide a right to inspect information contained in notice papers, agenda, minutes, or information tabled at a meeting, where it is considered that that part of the meeting could have been closed to members of the public but was not closed [s.94(3)(b)].
Statutory Power Delegated	<p><i>Local Government (Administration) Regulations 1996:</i> Regulation 29B - Copies of certain information not to be provided (Act s.5.96)</p> <p><i>Local Government Act 1995:</i> Section 9.95(1)(b) & (3)(b) Limits on right to inspect local government information</p>
Statutory Power to Delegate:	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • Section 5.44- CEO may delegate powers and duties to other employees
Statutory Power to Sub-Delegate:	Nil.
Delegated to:	Executive Manager Community, Development and Regulation Executive Manager Corporate Services Executive Manager Works and Technical Services
Conditions on Delegation	Nil.
Policy/Compliance Links	<p><i>Local Government Act 1995:</i></p> <p><i>Local Government (Administration) Regulations 1996:</i></p>
Record Keeping	Record to be kept on file.
Date of CEO Approval	15 December 2023

5- Infringement Notices

Delegator:	Chief Executive Officer
Function Delegated	<ul style="list-style-type: none"> • Authority to consider an owner of a vehicle's submission that the vehicle that is subject of an infringement notice, had been stolen or unlawfully taken at the time of the alleged offence [s.9.13(6)(b)]. • Authority to extend the 28-day period within which payment of a modified penalty may be paid, whether or not the period of 28-days has elapsed • Authority to withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund
Statutory Power Delegated	<p><i>Local Government Act 1995:</i> Section 9.13(6)(b) - Onus of proof in vehicle offences may be shifted Section 9.19 - Extension of Time Section 9.20 - Withdrawal of Notice</p> <p><i>Building Regulations 2012</i> Regulation 70(1A), (1), (2) Approved officers and authorised officers</p> <p><i>Cat Act 2011</i> Section 64 - Extension of time Section 65 - Withdrawal of notice</p>
Statutory Power to Delegate:	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • Section 5.44- CEO may delegate powers and duties to other employees <p><i>Cat Act 2011</i> Section 45 - Delegation by CEO of local government</p>
Statutory Power to Sub-Delegate:	<p><i>Local Government Act 1995:</i> Section 5.44 - CEO may delegate some powers and duties to other employees</p>
Delegated to:	Nil.
Conditions on Delegation/Sub-Delegation	<ul style="list-style-type: none"> • A delegate who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this Delegation. • The following listed positions are delegated the functions under s.9.19 and s.9.20 only as a precondition for appointment as an "Approved Officer" in accordance with <i>Building Regulation 70(1)</i> for the purposes of the <i>Criminal Procedure Act 2004</i> section 6(a) and <i>Building Act 2011</i> Infringement Notices: <ul style="list-style-type: none"> (i) Principal Building Surveyor <p>NOTE: Delegates must also be appointed as an "Approved Officer" – appointment to be determined by Council resolution or by a person with delegated authority under the <i>Building Act 2011</i> delegations of this register.</p>

Policy/Compliance Links	Council's Finance Policy – Tendering applies.
Record Keeping	Record to be kept on relevant file.
Date of CEO Approval	15 December 2022

**DELEGATIONS – *Building Act 2011 and
Building Regulations 2012***

1 - Designate Authorised Persons

Function Delegated	<ul style="list-style-type: none"> • Designate a person as an authorised person under section 96(3) of the <i>Building Act 2011</i> in relation to buildings and incidental structures located or proposed to be located in the district of the local government and for the purpose of section 93(2)(d). • 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 for the purpose of section 99(3). • Designate a person as a specified employee under section 70 of the <i>Building Act 2011</i> in relation to issuing and withdrawing infringement notices.
Statutory Power Delegated	<p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> • Section 93(2)(d) - changing building standards, requirements, as to existing buildings • Section 96(3), (5) and (6) - Authorised persons
Statutory Power to Delegate:	<p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> • Section 27(1) and (3) - Delegation: special permit authorities and local governments.
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> • Section 127(6A) - CEO may delegate to any other local government employee that power or duty that has been delegated to the CEO.
Sub Delegated to:	Nil.
Conditions on Delegation/Sub-Delegation	<ul style="list-style-type: none"> • Other than a person authorised under Building Regulation 5A an authorised person under the <i>Building Act 2011</i> must be a local government employee as defined in Section 5.36 of the <i>Local Government Act 1995</i>. • Specified Employees under section 70 of the <i>Building Act 2011</i> in relation to issuing infringement notices should not also be specified employee for withdrawing infringement notices. • An authorised officers cannot also be an approved officers under the <i>Criminal Procedures Act 2004</i>.
Policy/Compliance Links	<ul style="list-style-type: none"> • <i>Building Act 2011</i> • <i>Building Regulations 2012</i> • National Construction Code / Building Code of Australia • <i>Commerce Regulations Amendment (Infringement Notices) Regulations 2019</i> • <i>Criminal Procedures Act 2004</i>
Record Keeping	<p>Record to be kept on relevant file.</p> <p>Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and</p>

	when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.
Date of Council Adoption	15 December 2023

2 – Building Orders

Function Delegated	<ul style="list-style-type: none"> • Make building orders in respect of one or more of the following: <ul style="list-style-type: none"> ○ Particular building work. ○ Particular demolition work. ○ A particular building or incidental structure, whether completed before or after commencement day. • Give notice of a proposed building order and consider submissions received in response and determine actions. • Revoke a building order at any time. • Decide whether the building order has been fully complied with and either revoke the building order or inform each person to whom the order is directed that the building order remains in effect, within 28 days of receiving a notification under section 117(2). • If there is non-compliance with a building order, cause an authorised person to: <ul style="list-style-type: none"> ○ take any action specified in the order; or ○ commence or complete any work specified in the order; or ○ if any specified action was required by the order to cease, to take such steps as are reasonable in the circumstances to cause the action to cease. • Take court action to recover as a debt, reasonable costs and expenses incurred in doing anything in regard to non-compliance with a building order. • Initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the <i>Building Act 2011</i>.
Statutory Power Delegated	<p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> • Section 110(1) - A permit authority may make a building order. • Section 111(1) - Notice of proposed building order other than building order (emergency). • Section 117(1) and (2) - A permit authority may revoke a building order or notify that it remains in effect. • Section 118(2) and (3) - Permit authority may give effect to building order if non-compliant. • Section 133(1) - A permit authority may commence a prosecution for an offence against this Act.
Statutory Power to Delegate:	<p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> • Section 6(3) - Permit authority for a building or incidental structure.
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> • Section 127- Delegation: special permit authorities and local governments (powers of sub delegation limited to CEO)
Sub Delegated to:	Principal Building Surveyor

Conditions on Delegation/Sub-Delegation	Nil.
Policy/Compliance Links	<p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> • Section 111 - Notice of proposed building order other than building order (emergency) • Section 112 - Content of building order • Section 113 - Limitation on effect of building order • Section 114 - Service of building order • Part 9 - Review- Section 122- Building orders application for review by State Administrative Tribunal.
Record Keeping	<p>Record to be kept on relevant files:</p> <ul style="list-style-type: none"> ○ Property file ○ Building Permit Application <p>Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.</p>
Date of Council Adoption	15 December 2023

3 - Building and Demolition Permits

Function Delegated	<ul style="list-style-type: none"> Require an applicant to provide any documentation or information required to determine a building or demolition permit. Grant a building or demolition permit. Refuse a building or demolition permit. Impose, vary or revoke conditions on a building or demolition permit.
Statutory Power Delegated	<p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> Section 18- Further information Section 20- Grant a building permit Section 21- Grant a demolition permit Section 22- Further grounds for not granting an application Section 27(1)and (3)- Impose conditions on permit <p><i>Building Regulations 2012</i></p> <ul style="list-style-type: none"> Regulation 23 - Application to extend time during which permit has effect (s.32) Regulation 24 - Extension of time during which permit has effect (s.32(3)) Regulation 26 - Approval of new responsible person (s.35(c))
Statutory Power to Delegate:	<p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> Section 6(3)- Permit authority for an building or incidental structure
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> Section 127- Delegation: special permit authorities and local governments (powers of sub delegation limited to CEO)
Sub Delegated to:	Principal Building Surveyor
Conditions on Delegation/Sub-Delegation	<p>Caution should be exercised if building is on a register made under the <i>Heritage of Western Australia Act 1990</i>. Additionally, the Shire's Municipal Heritage Inventory is to be consulted.</p> <p>The Administration Officer – Building Services is delegated the functions of Section 18 – Further Information only.</p>
Policy/Compliance Links	<p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> Section 119 - Building and demolition permits application for review by State Administrative Tribunal (SAT). Section 23- Time for deciding application for building or demolition permit. <p><i>Building Regulations 2012</i></p> <ul style="list-style-type: none"> Regulation 25 - Review of decision to refuse or extend time during which permit has effect- reviewable by SAT. <p><i>Building Services (Registration) Act 2011</i></p>

	<ul style="list-style-type: none"> • Section 7. <p><i>Building Services (Complaint Resolution and Administration) Act 2011</i></p> <ul style="list-style-type: none"> • Part 7, Division 2. <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage of Western Australia Act 1990</i></p> <p><i>Home Building Contracts Act 1991</i></p> <ul style="list-style-type: none"> • Part 3A, Division 2
Record Keeping	<p>Record to be kept on file:</p> <ul style="list-style-type: none"> ○ Relevant property file ○ Building Permit Application (if applicable) <p>Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.</p>
Date of Council Adoption	15 December 2023

4 - Occupancy and Building Approval Certificates

Function Delegated	<ul style="list-style-type: none"> • Require applicant to provide any documentation or information required to determine the application and to verify the information by statutory declaration. • Grant, refuse to grant or modify an occupancy permit or building approval certificate. • Record the grounds on which a decision to refuse to grant or modify an occupancy permit or grant a building approval certificate is based, and the reasons for the decision and give to the person to whom the decision relates written notice of the decision together with those grounds and reasons and the person's right to review. • Impose, add, vary or revoke conditions on an occupancy permit. • Give written notice of the addition, variation or revocation of a condition and ensure that the notice informs the person of the person's right of review. • Extend, or refuse to extend, the period in which the occupancy permit or modification or the building approval certificate has effect.
Statutory Power Delegated	<p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> • Section 55- Further information • Section 58- Grant of occupancy permit, building approval certificate • Section 59- Time for granting occupancy permit or building approval certificate • Section 60- Notice of decision • Section 62(1), (3),(4)and (5)- Conditions imposed by permit authority • Section 65(4)- Extension of period of duration <p><i>Building Regulations 2012</i></p> <ul style="list-style-type: none"> • Regulation 40 - Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
Statutory Power to Delegate:	<p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> • Section 6(3) - Permit authority for a building or incidental structure.
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> • Section 127- Delegation: special permit authorities and local governments (powers of sub delegation limited to CEO)
Sub Delegated to:	Principal Building Surveyor
Conditions on Delegation/Sub-Delegation	Nil.
Policy/Compliance Links	<i>Building Act 2011</i>

	<ul style="list-style-type: none"> • Section 59- time for granting occupancy permit or building approval certificate • Section 60- Notice of decision not to grant occupancy permit or grant building approval certificate • Section 121- Occupancy permits and building approval certificates- application for review by State Administrative Tribunal (SAT). <p><i>Building Regulations 2012</i></p> <p><i>Building Services (Registration) Act 2011</i></p> <ul style="list-style-type: none"> • Section 7. <p><i>Building Services (Complaint Resolution and Administration) Act 2011</i></p> <ul style="list-style-type: none"> • Part 7, Division 2. <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage of Western Australia Act 1990</i></p>
Record Keeping	<p>Record to be kept on file:</p> <ul style="list-style-type: none"> ○ Relevant property file ○ Building Permit Application (if applicable) <p>Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.</p>
Date of Council Adoption	15 December 2023

5 – Inspection and Copies of Building Records

Function Delegated	<ul style="list-style-type: none"> Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].
Statutory Power Delegated	<i>Building Act 2011</i> <ul style="list-style-type: none"> Section 131(2) Inspection, copies of building records
Statutory Power to Delegate:	<i>Building Act 2011</i> <ul style="list-style-type: none"> Section 127(1) & (3) Delegation: special permit authorities and local government
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<i>Building Act 2011</i> <ul style="list-style-type: none"> Section 127(6A) - CEO may delegate to any other local government employee that power or duty that has been delegated to the CEO.
Sub Delegated by CEO to:	Executive Manager Community, Development & Regulation Principal Building Surveyor Planning Officer
Conditions on Delegation/Sub-Delegation	<ul style="list-style-type: none"> Building records may only be provided to the owner of the building, or to a third party with the written approval of the landowner to do so.
Policy/Compliance Links	<i>Building Act 2011</i> <ul style="list-style-type: none"> Section 146 - Confidentiality
Record Keeping	<p>Record to be kept on relevant file.</p> <p>Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.</p>
Date of Council Adoption	15 December 2023

6 – Referrals and Issuing Certificates

Function Delegated	<ul style="list-style-type: none"> • Authority to refer uncertified applications under Section 17(1) of the <i>Building Act 2011</i> to a building surveyor who is not employed by the local government [s.145A(1)]. • Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire of Northampton District [s.145A(2)].
Statutory Power Delegated	<i>Building Act 2011</i> <ul style="list-style-type: none"> • Section 145A - Local Government functions
Statutory Power to Delegate:	<i>Building Act 2011</i> <ul style="list-style-type: none"> • Section 127(1) & (3) Delegation: special permit authorities and local government
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<i>Building Act 2011</i> <ul style="list-style-type: none"> • Section 127(6A) - CEO may delegate to any other local government employee that power or duty that has been delegated to the CEO.
Sub Delegated by CEO to:	Principal Building Surveyor
Conditions on Delegation/Sub-Delegation	Nil.
Policy/Compliance Links	<i>Building Act 2011</i>
Record Keeping	<p>Record to be kept on relevant file.</p> <p>Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.</p>
Date of Council Adoption	15 December 2023

7 – Private Pool Barrier – Alternative and Performance Solutions

Function Delegated	<ul style="list-style-type: none"> • Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliant with AS 1926.1 [r.51(2)] • 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)] • 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)].
Statutory Power Delegated	<i>Building Regulations 2012</i> <ul style="list-style-type: none"> • Regulation 51- Approvals by permit authority
Statutory Power to Delegate:	<i>Building Act 2011</i> <ul style="list-style-type: none"> • Section 127(1) & (3) Delegation: special permit authorities and local government
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<i>Building Act 2011</i> <ul style="list-style-type: none"> • Section 127(6A) - CEO may delegate to any other local government employee that power or duty that has been delegated to the CEO.
Sub Delegated by CEO to:	Principal Building Surveyor
Conditions on Delegation/Sub-Delegation	Nil.
Policy/Compliance Links	<i>Building Act 2011</i>
Record Keeping	<p>Record to be kept on relevant file.</p> <p>Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.</p>
Date of Council Adoption	15 December 2023

8 – Smoke Alarms – Alternative Solutions

Function Delegated	<ul style="list-style-type: none"> • Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55]. • 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].
Statutory Power Delegated	<p><i>Building Regulations 2012</i></p> <ul style="list-style-type: none"> • Regulation 55 -Terms Used (alternative building solution approval) • Regulation 61 - Local Government approval of battery powered smoke alarms
Statutory Power to Delegate:	<p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> • Section 127(1) & (3) Delegation: special permit authorities and local government
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> • Section 127(6A) - CEO may delegate to any other local government employee that power or duty that has been delegated to the CEO.
Sub Delegated by CEO to:	Principal Building Surveyor
Conditions on Delegation/Sub-Delegation	Nil.
Policy/Compliance Links	<i>Building Act 2011</i>
Record Keeping	<p>Record to be kept on relevant file.</p> <p>Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.</p>
Date of Council Adoption	15 December 2023

9 – Appointment of Approved and Authorised Officers

Function Delegated	<ul style="list-style-type: none"> Authority to appoint an approved officer for the purposes of Section 6(a) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(1) and (1A). <p>NOTE: Only employees delegated under Section 5.44(1) of the <i>Local Government Act 1995</i> with power under Section 9.19 or 9.20 may be appointed as “approved officers”.</p> <ul style="list-style-type: none"> Authority to appoint an authorised officer for the purposes of Section 6(b) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(2). <p>NOTE: Only employees appointed under Section 9.10 of the <i>Local Government Act 1995</i> and authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as “authorised officers” for the purposes of Building Regulation 70(2).</p>
Statutory Power Delegated	<p><i>Building Regulations 2012</i></p> <ul style="list-style-type: none"> Regulation 70 - Approved officers and authorised officers
Statutory Power to Delegate:	<p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> Section 127(1) & (3) Delegation: special permit authorities and local government
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> Section 127(6A) - CEO may delegate to any other local government employee that power or duty that has been delegated to the CEO.
Authorised officers:	<p>Principal Building Surveyor</p> <p>Note: Chief Executive Officer is the ‘approved officer’.</p>
Conditions on Delegation/Sub-Delegation	Nil.
Policy/Compliance Links	<p><i>Building Regulations 2012</i>: Regulation 70(3) - each authorised officer must be issued a certificate of appointment.</p>
Record Keeping	<p>Record to be kept on relevant file.</p> <p>Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.</p>
Date of Council Adoption	15 December 2023

DELEGATION – *Graffiti Vandalism Act*
2016

1 – Powers, Duties and Functions

Function Delegated	All powers, duties and functions of the local government pursuant to the <i>Graffiti Vandalism Act 2016</i> .
Statutory Power Delegated	<p><i>Graffiti Vandalism Act 2016</i></p> <ul style="list-style-type: none"> • Section 18(2)- Notice requiring removal of graffiti • Section 19(3) and (4)- Additional powers when notice is given • Section 22(3)- Objection may be lodged • Section 24(1)(b) and (3)- Suspension of effect of notice • Section 25(1)- Local government graffiti powers on land not local government property • Section 28- Notice of entry • Section 29- Entry under warrant
Statutory Power to Delegate:	<p><i>Graffiti Vandalism Act 2016</i></p> <ul style="list-style-type: none"> • Section 16- Delegation by local governments
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<p><i>Graffiti Vandalism Act 2016</i></p> <ul style="list-style-type: none"> • Section 17- Delegation by CEO of local government
Sub Delegated to:	<p>Executive Manager Community, Development and Regulation Executive Manager Works and Services Northampton Leading Hand Construction Northampton Leading Hand Maintenance Kalbarri Leading Hand Rangers</p>
Conditions on Delegation/Sub-Delegation	Nil.
Policy/Compliance Links	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • Part 9, Section 9.6 – dealing with an objection <p><i>Local Government (Functions & General) Regulations 1996</i></p> <p>Shire of Northampton Local Laws</p>
Record Keeping	<p>Record to be kept on relevant file.</p> <p>Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.</p>
Date of Council Adoption	15 December 2023

DELEGATIONS – *Bush Fires Act 1954*

1 – Powers, Duties and Functions

Function Delegated	All powers, duties and functions of the local government under the <i>Bush Fires Act 1954</i> .
Statutory Power Delegated	<i>Bush Fires Act 1954</i>
Statutory Power to Delegate:	<i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> Section 48 - Delegation by local governments
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> Section 48(3) -Delegation by local governments does not include the power to sub delegate.
Sub Delegated to:	Nil. Section 48 of the <i>Bush Fires Act 1954</i> does not limit the ability of a local government to act through its Council, members of staff or agents in the normal course of business.
Conditions on Delegation/Sub-Delegation	Authority excludes powers and duties that: <ul style="list-style-type: none"> Are prescribed in the <i>Bush Fires Act 1954</i> with the requirement for a resolution by the local government; or Are prescribed in the <i>Bush Fires Act 1954</i> for performance by prescribed officers; or Are subject to separate delegated authority within this register.
Policy/Compliance Links	<ul style="list-style-type: none"> <i>Bush Fires Act 1954</i> <i>Bush Fires Regulations 1954</i> <i>Bush Fires (Infringement) Regulations 1978</i>
Record Keeping	Record to be kept on relevant file. Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.
Date of Council Adoption	15 December 2023

2 – Prohibited Burning Times

Function Delegated	Determine to vary prohibited burning times, in accordance with section 17(7) and (8) regarding: <ul style="list-style-type: none"> • Shortening, extending, suspending or reimposing a period of prohibited burning times; or • Extending prohibited burning times.
Statutory Power Delegated	<p><i>Bush Fires Act 1954</i></p> <ul style="list-style-type: none"> • Section 17(7) - Variation to prohibited burning times. • Section 27(2) and (3) - Prohibition on use of tractors or engines except under certain conditions. <p><i>Bush Fire Regulations 1954</i></p> <ul style="list-style-type: none"> • Regulation 15 - Permit to burn (Act s.18), form of and apply for after refusal etc. • Regulation 38C - Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times. • Regulation 39B - Crop dusters etc., use of in restricted or prohibited burning times.
Statutory Power to Delegate:	<p><i>Bush Fires Act 1954</i></p> <ul style="list-style-type: none"> • Section 17(10) – Local government may delegate to Mayor/Shire President and Chief Bushfire Control Officer • Section 48- Delegation by local governments
Delegated to:	Shire President Chief Executive Officer Chief Bush Fire Control Officer
Statutory Power to Sub-Delegate:	<p><i>Bush Fires Act 1954</i></p> <ul style="list-style-type: none"> • Section 48(3) - Delegation by local governments does not include the power to sub delegate.
Sub Delegated to:	Nil. Section 48 of the <i>Bush Fires Act 1954</i> does not limit the ability of a local government to act through its Council, members of staff or agents in the normal course of business.
Conditions on Delegation/Sub-Delegation	<p>Decisions under section 17(7) must be undertaken jointly by both the Shire President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of section 17(7B) and (8).</p> <p>Decisions under Section 18(5) must be undertaken jointly by the Shire President and Chief Bush Fire Control Officer and comply with the procedural requirements of Section 18(5B) and (5C)</p>
Policy/Compliance Links	<ul style="list-style-type: none"> • <i>Bush Fires Act 1954</i> • <i>Bush Fire Regulations 1954</i>
Record Keeping	<p>Record to be kept on relevant file.</p> <p>Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and</p>

	when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.
Date of Council Adoption	15 December 2023

3 – Restricted Burning Times

Function Delegated	<ul style="list-style-type: none"> • Authority, where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18(5)]. <ul style="list-style-type: none"> ○ Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C]. • Authority, where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)]. • Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15]. • Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)]. • 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]. • Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B]. • Authority to issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)]. • Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)]. • Authority to recover the cost of measures taken by the Shire of Northampton or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements
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	under Section 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)].
Statutory Power Delegated	<p><i>Bush Fires Act 1954:</i></p> <ul style="list-style-type: none"> • Section 18(5), (11) Restricted burning times may be declared by FES Commissioner • Section 22(6) and (7) Burning on exempt land and land adjoining exempt land • Section 27(2) and (3) Prohibition on use of tractors or engines except under certain conditions • Section 28(4) and (5) Occupier of land to extinguish bush fire occurring on own land <p><i>Bush Fire Regulations 1954:</i></p> <ul style="list-style-type: none"> • Regulation 15 - Permit to burn (Act s.18), form of and apply for after refusal etc. • Regulation 15C - Local Government may prohibit burning on certain days • Regulation 38C - Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times • Regulation 39B - Crop dusters etc., use of in restricted or prohibited burning times
Statutory Power to Delegate:	<i>Bush Fires Act 1954</i>
Delegated to:	<ul style="list-style-type: none"> • Section 48- Delegation by local governments <p>Shire President Chief Executive Officer Chief Bush Fire Control Officer</p>
Statutory Power to Sub-Delegate:	<i>Bush Fires Act 1954</i>
Sub Delegated to:	<ul style="list-style-type: none"> • Section 48(3) -Delegation by local governments does not include the power to sub delegate. <p>Nil. Section 48 of the <i>Bush Fires Act 1954</i> does not limit the ability of a local government to act through its Council, members of staff or agents in the normal course of business.</p>
Conditions on Delegation/Sub-Delegation	Decisions under Section 18(5) must be undertaken jointly by the Shire President and Chief Bush Fire Control Officer and comply with the procedural requirements of Section 18(5B) and (5C)
Policy/Compliance Links	<ul style="list-style-type: none"> • <i>Bush Fires Act 1954</i> • <i>Bush Fire Regulations 1954</i>
Record Keeping	Record to be kept on relevant file. Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.
Date of Council Adoption	15 December 2023

4 – Prosecutions

Function Delegated	<ul style="list-style-type: none"> • Issue infringement notices • Consider allegations of offences alleged to have been committed against this Act in the district of the local government and, if the delegate thinks fit, to institute and carry on proceedings in the name of the local government against any person alleged to have committed any of those offences in the district.
Statutory Power Delegated	<i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> • Section 59(3)- Prosecution of offences • Section 59A(2)- Alternative procedure- infringement notices
Statutory Power to Delegate:	<i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> • Section 48- Delegation by local governments
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> • Section 48(3) -Delegation by local governments does not include the power to sub delegate.
Sub Delegated to:	Nil. Section 48 of the <i>Bush Fires Act 1954</i> does not limit the ability of a local government to act through its Council, members of staff or agents in the normal course of business.
Conditions on Delegation/Sub-Delegation	<i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> • Section 59A(5) - alternative procedure- infringement notices • Section 65 - proof of certain matters • Section 66- Proof of ownership or occupancy <i>Bush Fires (Infringement) Regulations 1978</i> <ul style="list-style-type: none"> • Regulation 4(a) - only the Shire President or Chief Executive Officer may withdraw an infringement notice.
Policy/Compliance Links	<ul style="list-style-type: none"> • <i>Bush Fires Act 1954</i> • <i>Bush Fires (Infringement) Regulations 1978</i> • Shire of Northampton Local Laws
Record Keeping	<p>Record to be kept on relevant file.</p> <p>Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.</p>
Date of Council Adoption	15 December 2023

5 - Fire Break Maintenance

Function Delegated	<p>Authority to:</p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> i. clearing of firebreaks as determined necessary and specified in the notice; and ii. 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 iii. as a separate or coordinated action with any other person carry out similar actions. • 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. • Recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice.
Statutory Power Delegated	<p><i>Bush Fires Act 1954</i></p> <ul style="list-style-type: none"> • Section 33 – Local Government may require occupier of land to plough or clear fire break
Statutory Power to Delegate:	<p><i>Bush Fires Act 1954</i></p> <ul style="list-style-type: none"> • Section 48- Delegation by local governments
Delegated to:	<p>Chief Executive Officer Executive Manager Community, Development & Regulation Chief Bush Fire Control Officer Ranger</p>
Statutory Power to Sub-Delegate:	<p>Nil. Sub-delegation is prohibited by section 48(3) of the <i>Bush Fires Act 1954</i>.</p>
Sub Delegated to:	<p>Nil.</p>
Conditions on Delegation/Sub-Delegation	<p>Nil.</p>
Policy/Compliance Links	<ul style="list-style-type: none"> • <i>Bush Fires Act 1954</i> • <i>Bush Fires (Infringement) Regulations 1978</i> • Shire of Northampton Local Laws
Record Keeping	<p>Record to be kept on relevant property file.</p> <p>Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.</p>

Date of Council Adoption	15 December 2023
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6 – Control and Extinguishment of Bush Fires

Function Delegated	<p>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 [Section 46(1A)].</p> <p>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 officer 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 [Section 46(1B)].</p>
Statutory Power Delegated	<p><i>Bush Fires Act 1954</i></p> <ul style="list-style-type: none"> Section 46- Bush fire control officer or forest officer may postpone lighting fire
Statutory Power to Delegate:	<p><i>Bush Fires Act 1954</i></p> <ul style="list-style-type: none"> Section 48 - Delegation by local governments
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<p><i>Bush Fires Act 1954</i></p> <ul style="list-style-type: none"> Section 48(3) -Delegation by local governments does not include the power to sub delegate.
Sub Delegated to:	Nil. Section 48 of the <i>Bush Fires Act 1954</i> does not limit the ability of a local government to act through its Council, members of staff or agents in the normal course of business.
Conditions on Delegation/Sub-Delegation	Nil.
Policy/Compliance Links	<ul style="list-style-type: none"> <i>Bush Fires Act 1954</i>
Record Keeping	<p>Record to be kept on relevant file.</p> <p>Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.</p>
Date of Council Adoption	15 December 2023

7 – Make Request to FES Commissioner – Control of Fire

Function Delegated	Authority to request on behalf of the Shire of Northampton that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations.
Statutory Power Delegated	<i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> Section 13(4) Duties and powers of bush fire liaison officers
Statutory Power to Delegate:	<i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> Section 48 - Delegation by local governments
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> Section 48(3) -Delegation by local governments does not include the power to sub delegate.
Sub Delegated to:	Nil. Section 48 of the <i>Bush Fires Act 1954</i> does not limit the ability of a local government to act through its Council, members of staff or agents in the normal course of business.
Conditions on Delegation/Sub-Delegation	Nil.
Policy/Compliance Links	<i>Bush Fires Act 1954</i>
Record Keeping	Record to be kept on relevant file. Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.
Date of Council Adoption	15 December 2023

8 – Control of Operations Likely to Create Bush Fire Danger

Function Delegated	<ul style="list-style-type: none"> • Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: <ul style="list-style-type: none"> a. a person operating a bee smoker device during a prescribed period [r.39CA(5)]. b. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)]. c. a person using explosives [r.39D(2)]. d. a person using fireworks [r.39E(3)] • 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]. <p><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></p>
Statutory Power Delegated	<p><i>Bush Fires Act 1954:</i></p> <ul style="list-style-type: none"> • Section 27D - Requirements for carriage and deposit of incendiary material <p><i>Bush Fires Regulations 1954:</i></p> <ul style="list-style-type: none"> • Regulation 39C - Welding and cutting apparatus, use of in open air • Regulation 39CA - Bee smoker devices, use of in restricted or prohibited burning times etc. • Regulation 39D - Explosives, use of • Regulation 39E - Fireworks, use of
Statutory Power to Delegate:	<p><i>Bush Fires Act 1954</i></p> <ul style="list-style-type: none"> • Section 48 - Delegation by local governments
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<p><i>Bush Fires Act 1954</i></p> <ul style="list-style-type: none"> • Section 48(3) -Delegation by local governments does not include the power to sub delegate.
Sub Delegated to:	Nil. Section 48 of the <i>Bush Fires Act 1954</i> does not limit the ability of a local government to act through its Council, members of staff or agents in the normal course of business.
Conditions on Delegation/Sub-Delegation	Nil.
Policy/Compliance Links	<p><i>Bush Fires Act 1954</i> <i>Bush Fires Regulations 1954</i></p>

Record Keeping	Record to be kept on relevant file. Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.
Date of Council Adoption	15 December 2023

9 – Burning of Garden Refuse / Open Air Fires

Function Delegated	<ul style="list-style-type: none"> • Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [Section 24F(2)(b)(ii) and (4)]. • Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under Section 24F [s.24G(2)]. <ul style="list-style-type: none"> i. Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3) and r.33(5)]. ii. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plan growing upon any land within the District [r.34]. • Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of: <ul style="list-style-type: none"> i. camping or cooking [s.25(1)(a)]. ii. conversion of bush into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)]. • Authority to prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s.25(1a) and (1b)]. • Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)].
Statutory Power Delegated	<p><i>Bush Fires Act 1954:</i> Section 24F - Burning garden refuse during limited burning times Section 24G - Minister or local government may further restrict burning of garden refuse Section 25 - No fire to be lit in open air unless certain precautions taken Section 25A - Power of Minister to exempt from provisions of section 25</p> <p><i>Bush Fires Regulations 1954:</i> Regulation 27(3) - Permit, issue of</p>
Statutory Power to Delegate:	<p><i>Bush Fires Act 1954</i></p> <ul style="list-style-type: none"> • Section 48 - Delegation by local governments
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<i>Bush Fires Act 1954</i>

	<ul style="list-style-type: none"> Section 48(3) -Delegation by local governments does not include the power to sub delegate.
Sub Delegated to:	Nil. Section 48 of the <i>Bush Fires Act 1954</i> does not limit the ability of a local government to act through its Council, members of staff or agents in the normal course of business.
Conditions on Delegation/Sub-Delegation	Nil.
Policy/Compliance Links	<i>Bush Fires Act 1954</i>
Record Keeping	Record to be kept on relevant file. Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.
Date of Council Adoption	15 December 2023

10 – Appoint Bush Fire Control Officers / and Fire Weather Officer

Function Delegated	<ul style="list-style-type: none"> • Authority to appoint persons to be Bush Fire Control Officers for the purposes of the <i>Bush Fires Act 1954</i>; and <ol style="list-style-type: none"> i. Of those Officers, appoint one as the Chief Bush Fire Control Officer and one as the Deputy Chief Bush Fire Control Officer; and ii. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)]. • Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire of Northampton [s.38(5A)] • Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of Section 38(17). [s.38(8) and (9)]. <ol style="list-style-type: none"> i. Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].
Statutory Power Delegated	<p><i>Bush Fires Act 1954</i></p> <ul style="list-style-type: none"> • Section 38 - Local Government may appoint bush fire control officer
Statutory Power to Delegate:	<p><i>Bush Fires Act 1954</i></p> <ul style="list-style-type: none"> • Section 48 - Delegation by local governments
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<p><i>Bush Fires Act 1954</i></p> <ul style="list-style-type: none"> • Section 48(3) -Delegation by local governments does not include the power to sub delegate.
Sub Delegated to:	Nil. Section 48 of the <i>Bush Fires Act 1954</i> does not limit the ability of a local government to act through its Council, members of staff or agents in the normal course of business.
Conditions on Delegation/Sub-Delegation	Nil.
Policy/Compliance Links	<i>Bush Fires Act 1954</i>
Record Keeping	<p>Record to be kept on relevant file.</p> <p>Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and</p>

	when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.
Date of Council Adoption	15 December 2023

11 – Recovery of Expenses Incurred Through Contraventions of *Bush Fires Act 1954*

Function Delegated	Authority to recover expenses incurred as a result of an offence against the <i>Bush Fires Act 1954</i> , being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Shire of Northampton or those on behalf of the Shire of Northampton to do [s.58].
Statutory Power Delegated	<i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> Section 58 - General penalty and recovery of expenses incurred
Statutory Power to Delegate:	<i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> Section 48 - Delegation by local governments
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> Section 48(3) -Delegation by local governments does not include the power to sub delegate.
Sub Delegated to:	Executive Manager Community, Development and Regulation Executive Manager Corporate Services
Conditions on Delegation/Sub-Delegation	Nil.
Policy/Compliance Links	<i>Bush Fires Act 1954</i>
Record Keeping	Record to be kept on relevant file. Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.
Date of Council Adoption	15 December 2023

DELEGATIONS – *Liquor Control Act 1988*

1 – Section 39 and 40 Certificates

Function Delegated	<p>Authority to:</p> <ul style="list-style-type: none"> • issue Certificates of Local Government in accordance with Section 39 of the <i>Liquor Control Act 1988</i>. • issue Certificates of Local Planning Authority in accordance with Section 40 of the <i>Liquor Control Act 1988</i>.
Statutory Power Delegated	<p><i>Liquor Control Act 1988</i></p> <ul style="list-style-type: none"> • Section 39 - Certificate of local government as to whether premises comply with laws • Section 40 - Certificate of planning authority as to whether use of premises complies with planning laws.
Statutory Power to Delegate:	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • Section 5.41 (d) and (h) – Functions of the CEO • Section 5.44 – CEO may delegate powers and duties to other employees
Delegated to:	<p>Authority to issue either/both a Section 39 and 40 certificate:</p> <ul style="list-style-type: none"> • Chief Executive Officer • Executive Manager Community, Development and Regulation <p>Authority to issue a Section 39 certificate only:</p> <ul style="list-style-type: none"> • Environmental Health Officer <p>Authority to issue a Section 40 certificate only:</p> <ul style="list-style-type: none"> • Planning Officer
Statutory Power to Sub-Delegate:	Nil.
Sub Delegated to:	Nil.
Conditions on Delegation/Sub-Delegation	Nil.
Policy/Compliance Links	<p><i>Liquor Control Act 1988</i></p> <ul style="list-style-type: none"> • Section 39 - Certificate of local government as to whether premises comply with laws. • Section 40 - Certificate of planning authority as to whether use of premises complies with planning laws.
Record Keeping	<p>Record to be kept on relevant file.</p> <p>Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.</p>
Date of Council Adoption	15 December 2023

2 – Occasional Licences

Function Delegated	Power to issue consent requirements to applicants seeking approval for the consumption of alcohol for special occasions on Council owned or vested land, in accordance with Section 59(2)9b)(ii) of the <i>Liquor Control Act 1988</i> .
Statutory Power Delegated	<i>Liquor Control Act 1988</i> Section 59 - Occasional licence, effect, conditions and pre-requisites for grant of
Statutory Power to Delegate:	<i>Local Government Act 1995</i> <ul style="list-style-type: none"> • Section 5.41 (d) and (h) – Functions of the CEO • Section 5.44 – CEO may delegate powers and duties to other employees
Delegated to:	Chief Executive Officer Executive Manager Community, Development and Regulation
Statutory Power to Sub-Delegate:	Nil.
Sub Delegated to:	Nil.
Conditions on Delegation/Sub-Delegation	Nil.
Policy/Compliance Links	<i>Liquor Control Act 1988</i> Section 59 - Occasional licence, effect, conditions and pre-requisites for grant of
Record Keeping	Record to be kept on relevant file. Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.
Date of Council Adoption	15 December 2023

DELEGATIONS – *Food Act 2008*

1 – Prohibition Orders and Certificates of Clearance

Function Delegated	<ul style="list-style-type: none"> • Serve a Prohibition Order on the proprietor of a food business in accordance with Section 65 of the <i>Food Act 2008</i>. • Give a Certificate of Clearance, where inspection demonstrates compliance with a Prohibition Order and any Improvement Notices. • Give written notice to proprietor of a food business on whom a Prohibition Order has been served of the decision not to give a certificate of clearance after an inspection.
Statutory Power Delegated	<i>Food Act 2008</i> <ul style="list-style-type: none"> • Section 65(1)- Prohibition order • Section 66- Certificate of clearance • Section 67(4)- Request for re-inspection
Statutory Power to Delegate:	<i>Food Act 2008</i> <ul style="list-style-type: none"> • Section 118(2) (b) - Local government (enforcement agency) may delegate a function conferred on it. • Section 118(3) - Delegation subject to conditions (Section 119) and guidelines adopted (Section 120).
Delegated to:	Chief Executive Officer Environmental Health Officer
Statutory Power to Sub-Delegate:	<i>Food Act 2008</i> <ul style="list-style-type: none"> • Section 118(4) - Sub-delegation only permissible if expressly provided in regulations. <i>Food Act Regulations 2009</i> <ul style="list-style-type: none"> • No sub-delegation available.
Sub Delegated to:	Nil.
Conditions on Delegation/Sub-Delegation	Nil.
Policy/Compliance Links	<i>Food Act 2008</i> <i>Food Act Regulations 2009</i>
Record Keeping	Record to be kept on file: <ul style="list-style-type: none"> ○ Relevant property ○ Relevant customer/business Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.
Date of Council Adoption	15 December 2023

2 – Food Business Registrations

Function Delegated	<ul style="list-style-type: none"> • Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [Section 110(1) and (5)]. • Authority to vary the conditions or cancel the registration of a food business [Section 112].
Statutory Power Delegated	<i>Food Act 2008</i> <ul style="list-style-type: none"> • Section 110(1) and (5) - Registration of Food Business • Section 112- Variation of conditions or cancellation of registration of food businesses.
Statutory Power to Delegate:	<i>Food Act 2008</i> <ul style="list-style-type: none"> • Section 118(2) (b) - Local government (enforcement agency) may delegate a function conferred on it. • Section 118(3) - Delegation subject to conditions (Section 119) and guidelines adopted (Section 120).
Delegated to:	Chief Executive Officer Environmental Health Officer
Statutory Power to Sub-Delegate:	<i>Food Act 2008</i> <ul style="list-style-type: none"> • Section 118(4) - Sub-delegation only permissible if expressly provided in regulations. <i>Food Act Regulations 2009</i> <ul style="list-style-type: none"> • No sub-delegation available.
Sub Delegated to:	Nil.
Conditions on Delegation/Sub-Delegation	<ul style="list-style-type: none"> • In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ul style="list-style-type: none"> ○ Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA ○ Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1 ○ WA Priority Classification System ○ Verification of Food Safety Program Guideline.
Policy/Compliance Links	<i>Food Act 2008</i> <i>Food Act Regulations 2009</i>
Record Keeping	Record to be kept on file: <ul style="list-style-type: none"> ○ Relevant property ○ Relevant customer/business Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.
Date of Council Adoption	15 December 2023

3 – Debt Recovery and Prosecutions

Function Delegated	<ul style="list-style-type: none"> • Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)]. • Authority to institute proceedings for an offence under the <i>Food Act 2008</i> [s.125].
Statutory Power Delegated	<i>Food Act 2008</i> <ul style="list-style-type: none"> • Section 54 - Cost of destruction or disposal of forfeited item • Section 125 Institution of proceedings
Statutory Power to Delegate:	<i>Food Act 2008</i> <ul style="list-style-type: none"> • Section 118(2) (b) - Local government (enforcement agency) may delegate a function conferred on it. • Section 118(3) - Delegation subject to conditions (Section 119) and guidelines adopted (Section 120).
Delegated to:	Chief Executive Officer Environmental Health Officer
Statutory Power to Sub-Delegate:	<i>Food Act 2008</i> <ul style="list-style-type: none"> • Section 118(4) - Sub-delegation only permissible if expressly provided in regulations. <i>Food Act Regulations 2009</i> <ul style="list-style-type: none"> • No sub-delegation available.
Sub Delegated to:	Nil.
Conditions on Delegation/Sub-Delegation	<ul style="list-style-type: none"> • In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Policy/Compliance Links	<i>Food Act 2008</i> <i>Food Act Regulations 2009</i>
Record Keeping	Record to be kept on file: <ul style="list-style-type: none"> ○ Relevant property ○ Relevant customer/business Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.
Date of Council Adoption	15 December 2023

4 – Food Businesses List – Public Access

Function Delegated	Authority to decide to make a list of food businesses maintained under Section 115(a) or (b) publicly available [r.51].
Statutory Power Delegated	<i>Food Act 2008</i> <ul style="list-style-type: none"> Regulation 51 - Enforcement agency may make list of food
Statutory Power to Delegate:	<i>Food Act 2008</i> <ul style="list-style-type: none"> Section 118(2) (b) - Local government (enforcement agency) may delegate a function conferred on it. Section 118(3) - Delegation subject to conditions (Section 119) and guidelines adopted (Section 120).
Delegated to:	Chief Executive Officer Environmental Health Officer
Statutory Power to Sub-Delegate:	<i>Food Act 2008</i> <i>Section 118(4) - Sub-delegation only permissible if expressly provided in regulations.</i> <i>Food Act Regulations 2009</i> <i>No sub-delegation available.</i>
Sub Delegated to:	Nil.
Conditions on Delegation/Sub-Delegation	<ul style="list-style-type: none"> In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Policy/Compliance Links	<i>Food Act 2008</i> <i>Food Act Regulations 2009</i>
Record Keeping	Record to be kept on file: Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.
Date of Council Adoption	15 December 2023

DELEGATIONS – *Dog Act 1976*

1 – Powers, Duties and Functions

Function Delegated	<ul style="list-style-type: none"> All powers, duties and functions of the local government under the <i>Dog Act 1976</i>. Authorise the CEO to further delegate powers and duties under the <i>Dog Act 1976</i> and associated Regulations.
Statutory Power Delegated	<i>Dog Act 1976</i> <i>Dog Regulations 2013</i>
Statutory Power to Delegate:	<i>Dog Act 1976</i> <ul style="list-style-type: none"> Section 10AA- Delegation of local government powers and duties.
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<i>Dog Act 1976</i> <ul style="list-style-type: none"> Section 10AA(3) - CEO can delegate further if expressly authorised.
Sub Delegated to:	Section 10AA(S) of the <i>Dog Act 1976</i> does not limit the ability of a local government's Chief Executive Officer to perform a function through an officer or agent. Functions can be performed through the following employees: Executive Manager Community, Development & Regulation Rangers
Conditions on Delegation/Sub-Delegation	All decisions to be made under Section 31 (2B), (3A) and (3B) must be determined by Council.
Policy/Compliance Links	<ul style="list-style-type: none"> <i>Dog Act 1976</i> <i>Dog Regulations 2013</i> <i>Local Government (Miscellaneous Provisions) Act 1960</i>
Record Keeping	Record to be kept on relevant file. Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.
Date of Council Adoption	15 December 2023

DELEGATIONS – *Cat Act 2011*

1 - Powers, Duties and Functions

Function Delegated	All powers, duties and functions of the local government under the <i>Cat Act 2011</i> .
Statutory Power Delegated	<ul style="list-style-type: none"> • <i>Cat Act 2011</i> • <i>Cat (Uniform Local Provisions) Regulations 2013</i> • <i>Cat Regulations 2012</i>
Statutory Power to Delegate:	<i>Cat Act 2011</i> <ul style="list-style-type: none"> • Section 44 - Delegation by local government.
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<i>Cat Act 2011</i> <ul style="list-style-type: none"> • Section 45 - Delegation by CEO of local government
Sub Delegated to:	<p>Note: Section 46(2) of the <i>Cat Act 2011</i> does not limit the ability of a local government from performing any of its functions by acting through a person other than the CEO; or a CEO from performing any of his/her functions by acting through another person.</p> <p>Executive Manager Community, Development & Regulation Rangers</p>
Conditions on Delegation/Sub-Delegation	<p>Authority excludes powers and duties that:</p> <ul style="list-style-type: none"> • Are prescribed in the Act with the requirement for a resolution by the local government; or • Are prescribed in the Act for performance by prescribed officers; or • Are subject to separate delegated authority within this register.
Policy/Compliance Links	<ul style="list-style-type: none"> • <i>Cat Act 2011</i> • <i>Cat (Uniform Local Provisions) Regulations 2013</i> • <i>Cat Regulations 2012</i> •
Record Keeping	<p>Record to be kept on relevant file.</p> <p>Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.</p>
Date of Council Adoption	15 December 2023

2 – Cat Registrations

Function Delegated	<ul style="list-style-type: none"> • Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [Section 9(1)]. • 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 [Section 9(6)]. • Authority to cancel a cat registration [Section 10]. • Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [Section 11(2)]. • 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 Northampton District [Regs. Sch. 3 cl.1(4)].
Statutory Power Delegated	<ul style="list-style-type: none"> • <i>Cat Act 2011:</i> Section 9 Registration Section 10 Cancellation of registration Section 11 Registration numbers, certificates and tags • <i>Cat Regulations 2012</i> Schedule 3, cl.1(4) Fees Payable
Statutory Power to Delegate:	<i>Cat Act 2011</i> <ul style="list-style-type: none"> • Section 44- Delegation by local government
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<i>Cat Act 2011</i> <ul style="list-style-type: none"> • Section 45- Delegation by CEO of local government
Sub Delegated to:	Customer Service Officer Finance Officer Rates Officer
Conditions on Delegation/Sub-Delegation	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> .
Policy/Compliance Links	<ul style="list-style-type: none"> • <i>Cat Act 2011</i> • <i>Cat (Uniform Local Provisions) Regulations 2013</i> • <i>Cat Regulations 2012</i>
Record Keeping	Record to be kept on file: <ul style="list-style-type: none"> ○ Authorised Officers Register The delegate is to ensure that all evidentiary documents meet the requirements of Regulation 19 and are retained on the Shire's record keeping database.
Date of Council Adoption	15 December 2023

DELEGATIONS – *Planning and Development Act 2005*

1 – Illegal Development

Function Delegated	<ul style="list-style-type: none"> • 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 Shire of Northampton Local Planning Scheme. • Give a written direction to the person whose duty it is to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme would prejudice the effective operation of the planning scheme.
Statutory Power Delegated	<p><i>Planning and Development Act 2005</i></p> <ul style="list-style-type: none"> • Section 214(2), (3) and (5) - Illegal development, responsible authority's powers as to
Statutory Power to Delegate:	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • Section 5.42- Delegation of some powers or duties to the CEO • Section 5.43- Limitations on delegations to the CEO
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • Section 5.44 - CEO may delegate powers and duties to other employees
Sub Delegated to:	Executive Manager Community, Development and Regulation Planning Officer
Conditions on Delegation/Sub-Delegation	<p>Authority to issue written direction without Council approval where illegal development has taken place on Shire-managed public land.</p> <p>Where illegal development has taken place on private land, permission to prosecute is to be granted by Council prior to action being taken. This does not inhibit the local government from issuing written direction to <u>cease</u> illegal activities on private land.</p> <p>Note: Power to prosecute for other breaches of the <i>Planning & Development Act 2005</i> is contained in Section 20 of the <i>Criminal Procedure Act 2004</i>.</p>
Policy/Compliance Links	<p><i>Planning and Development Act 2005</i></p> <ul style="list-style-type: none"> • Part 13- Enforcement and legal proceedings • Section 215 - Illegal development, responsible authority's power to remove, etc.
Record Keeping	<p>Record to be kept on relevant file.</p> <p>The delegate is to ensure that all evidentiary documents meet the requirements of Regulation 19 and are retained on the Shire's record keeping database.</p>
Date of Council Adoption	15 December 2023

2 - Local Planning Schemes No 10 and 11 and Planning and Development (Local Planning Schemes) Regulations 2015

Function Delegated	<p>To perform the functions of the local government in respect of the following matters:</p> <ol style="list-style-type: none"> 1. General delegation to approve applications with or without conditions where consistent with Local Planning Scheme No 10 and 11, Local Planning Policies and WAPC/State Planning Policies, subject to the following exclusions: <ol style="list-style-type: none"> i. Uses other than 'P' or 'D'; ii. More than \$2 million dollars in value; iii. More than 5 dwellings; iv. Lot boundary adjustments where minimum lot sizes are not met; v. Development on reserves if inconsistent with the purpose of that reserve; vi. Variations of Council planning policy where NOT permitted by that planning policy. 2. Applications not to be determined under delegated authority: <ol style="list-style-type: none"> i. Refusal where discretionary; ii. Land use or development proposed, classed as "A" on zoning tables unless: <ol style="list-style-type: none"> a) Only a minor expansion; or b) Holiday/low-impact tourist accommodation where no objection has been received and is consistent with the Scheme and any applicable Policy. iii. 'Use Not Listed' in the Scheme Zoning Tables; iv. Approval period greater than 2 years; v. Retrospective approval of an existing unauthorised development; vi. Extension or change to a non-conforming use; or vii. Where "cash in lieu of car parking" is sought under the Scheme. 3. Variations to setbacks, building envelopes, use of materials/colours, landscaping or other minor matters can be determined subject to the following exemptions: <ol style="list-style-type: none"> i. Where a material objection to the proposal has been received. ii. Variations to car parking requirements are required for the development to proceed. iii. Refusals for non-permitted use other than where listed as an 'X' land use in the Scheme zoning tables. 4. Discretionary decisions under the Residential Design Codes of WA can be determined where:
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	<ul style="list-style-type: none"> i. Development Approval process has been followed, and all relevant information has been provided by the applicant; ii. No unsatisfied material objections have been received; iii. Consistency with the relevant Design Principle(s) has been achieved; or iv. Refusal of the development is not being determined. <p>5. Amending or revoking development approval where the:</p> <ul style="list-style-type: none"> i. Amendment is consistent with normal approved delegation; ii. Amendment is consistent with the initial application; iii. Amendment is minor in scale (10% of total development cost or less than 200m²); or iv. Revision of a condition of approval previously granted under delegation where the intent of the condition remains. <p>6. Applications for extension (maximum 12 months per extension) of a Development Approval can be reapproved subject to no more than two extensions. Any further extensions are to be considered by Council.</p> <p>7. Requests for reconsideration of Council decisions are not to be determined under delegated authority.</p> <p>8. Make recommendations to the WAPC on amendments to Structure Plans (as defined by the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>) under the deemed provisions provided that the modification is:</p> <ul style="list-style-type: none"> i. Of a minor nature; and ii. Is consistent with the intent of the zone and the Scheme; and iii. Unlikely to have a detrimental effect on the amenity of the locality or any owner or occupier of land in the locality. <p>9. Take all necessary action against owners and occupiers of properties requiring them to cease illegal uses or rectify/remove illegal development or comply with any Development Approvals, including instructing the Shire's solicitors.</p> <p>10. Issue or refuse to issue a certificate under Section 40 of the <i>Liquor Control Act 1988</i>.</p> <p>11. Make recommendations to the WAPC and other statutory authorities in respect of subdivision/amalgamation and development applications and associated matters.</p>
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	12. Endorse deposited plans after the conditions of subdivision/amalgamation approval for which Council is responsible have been fulfilled.
Statutory Power Delegated	<i>Planning and Development (Local Planning Scheme) Regulations 2015</i> <ul style="list-style-type: none"> • Schedule 2 – Deemed provisions for local planning schemes <i>Shire of Northampton Local Planning Schemes No.10 and 11</i>
Statutory Power to Delegate:	<i>Planning and Development (Local Planning Scheme) Regulations 2015</i> <ul style="list-style-type: none"> • Schedule 2, Part 10, clause 82 – Delegations by Local Government.
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	<i>Planning and Development (Local Planning Scheme) Regulations 2015</i> <ul style="list-style-type: none"> • Schedule 2, Part 10, clause 82 – Delegations by Local Government.
Sub Delegated to:	Executive Manager Community, Development and Regulation Planning Officer
Conditions on Delegation/Sub-Delegation	<p>1. All Development Applications will be submitted to Council in the following circumstances:</p> <ol style="list-style-type: none"> Where an application is for an extension or change to a nonconforming use; Where a delegated decision would be contrary to the intent of a previous decision made at a Council meeting, or any law or regulation; Where written objection is received from the proposal from any statutory agency; A condition recommended by a statutory agency is unnecessary or impractical, or unreasonable to be enforced by the Shire of Northampton; Where a new structure plan has been prepared and advertised for public comment, recommendations shall be presented to Council prior to forwarding to the WAPC; Where notification has been given to adjoining and nearby owners or the general public for comment in accordance with the Local Planning Scheme or any policy and a written objections have been received within the time specified; Subdivision/amalgamation applications proposing five (5) lots or greater, or that wish to vary a Scheme/Policy provision must be determined by Council prior to submission of recommendations to WAPC; or Where in the opinion of the Executive Manager Community, Development and Regulation:

	<ul style="list-style-type: none"> i. Any of the requirements of this delegation are not satisfied; ii. There is insufficient certainty as to whether the application complies with the intent of Scheme, Residential Design Codes or any relevant Council policy; iii. It would be in the public interest or consistent with the principles of administrative accountability for Council to determine the application; iv. Where the proposal is inconsistent with the intent of the Local Planning Scheme, relevant policies, Residential Design Codes, or any of Council's adopted statutory plans as defined in the Scheme or Local Planning Strategy. <p>2. With reference to Item 10. (under Functions Delegated), approval to undertake prosecution against a landowner must be obtained from Council prior to commencement. This does not inhibit the issuance of a written direction to the landowner to cease an illegal activity until the matter is determined by Council.</p>
Policy/Compliance Links	<p><i>Planning and Development Act 2005</i></p> <ul style="list-style-type: none"> • Section 142 – Consultation requirements as to proposed subdivision <p><i>Planning and Development Regulations 2009</i></p> <p><i>Planning and Development (Local Planning Scheme) Regulations 2015</i></p> <p><i>Planning and Development (Development Assessment Panels) Regulations 2011</i></p> <ul style="list-style-type: none"> • Section 11A – Further Information • Section 11 – Notify DAP of application • Section 12 (2) – Responsible authority to report • Section 13 – Further services from responsible authority <p><i>Liquor Control Act 1988</i></p> <ul style="list-style-type: none"> • Section 40 – Certificate of planning authority is to whether use of premises complies with planning laws <p><i>Heritage Act of Western Australia 1990</i></p> <p><i>Shire of Northampton Local Planning Scheme No's 10 and 11</i></p> <p><i>State Planning Policy 7.3 – Residential Design Codes of Western Australia</i></p>
Record Keeping	<p>Record to be kept on file:</p> <ul style="list-style-type: none"> ○ Council Minutes. ○ Delegated Decision Reports. ○ Relevant property file.

	Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.
Date of Council Adoption	15 December 2023

DELEGATIONS – *Public Health Act 2016*

1 - Enforcement Agency Reports to the Chief Health Officer

Function Delegated:	<ul style="list-style-type: none"> • Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under the <i>Public Health Act 2016</i> and the performance of functions by persons employed or engaged by the Shire of Northampton [s.22(1)] • Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].
Statutory Power Delegated:	<i>Public Health Act 2016</i> <ul style="list-style-type: none"> • Section 22 - Reports by and about enforcement agencies
Statutory Power to Delegate:	<i>Public Health Act 2016:</i> <ul style="list-style-type: none"> • Section 21 - Enforcement agency may delegate
Delegated to:	Chief Executive Officer Environmental Health Officer
Statutory Power to Sub-Delegate:	Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Sub Delegated to:	Nil.
Conditions on Delegation/Sub-Delegation	Nil.
Policy/Compliance Links	<i>Public Health Act 2016</i> Section 20 - Conditions on performance of functions by enforcement agencies.
Record Keeping	Record to be kept on file: <ul style="list-style-type: none"> ○ Authorised Officers Register Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.
Date of Council Adoption	15 December 2023

STATUTORY DELEGATIONS TO LOCAL GOVERNMENT FROM STATE GOVERNMENT ENTITIES

Environmental Protection Act 1986

1 – Noise Control – Serving of Environmental Protection Notices

Extract from Government Gazette dated 19 March 2004.

EV401

ENVIRONMENTAL PROTECTION ACT 1986

SECTION 20

Delegation No. 52

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

Powers and duties delegated—

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

Persons to whom delegation made—

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

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

Dated this 9th day of January 2004.

Approved—

FERDINAND TROMP, A/Chief Executive Officer.
Dr JUDY EDWARDS MLA, Minister for the Environment.

Regulation 19 of *Local Government (Administration) Regulations 1996* requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.

2 – Noise Control – Noise Management Plans

Extract from Government Gazette dated 16 May 2014.

EV405*

ENVIRONMENTAL PROTECTION ACT 1986

DELEGATION NO. 119

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

- (a) Chief Executive Officer under the *Local Government Act 1995*; and
- (b) to any employee of the local government under the *Local Government Act 1995* who is appointed as an Authorised Person under section 87 of the Act,

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

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

Dated the 1st day of May 2014.

JASON BANKS, Acting Chief Executive Officer.

Approved by—

Hon ALBERT JACOBS JP MLA, Minister for Environment: Heritage.

Regulation 19 of *Local Government (Administration) Regulations 1996* requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.

The delegate is to ensure that all evidentiary documents meet the requirements of Regulation 19 and are retained on the Shire's record keeping database.

Planning and Development Act 2005

1 – Section 15 of *Strata Titles Act 1985*

Extracts from Government Gazette dated 9 June 2009.

PL402

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

Del 2020/01 Powers of Local Governments

Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to certain applications under the *Strata Titles Act 1985*

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function under the Act or any other written law to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or imposed on the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 20 January 2021, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the *Strata Titles Act 1985* as set out in clause 1 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;
- B. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under sections 21 and 22 of the *Strata Titles Act 1985* as set out in clause 2 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;
- C. TO AMEND “Del 2020/01—Powers of Local Governments” to give effect to its resolution and to publish an updated, consolidated instrument.

SAM FAGAN, Western Australian Planning Commission.

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.

Planning and Development Act 2005

1 – Sign Development Applications for Crown Land as Owner

DoL FILE 1738/2002v8; 858/2001v9

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF AUTHORISATION

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

Dated the 2nd day of June 2016



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

SCHEDULE

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

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

Shire of Nannup
Shire of Narembeen
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 Roeboome
Shire of Sandstone
Shire of Serpentine Jarrahdale
Shire of Shark Bay
City of South Perth
City of Stirling
City of Subiaco
City of Swan

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



HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS

2nd day of June 2016

COUNCIL APPOINTED AUTHORISED PERSONS AND OFFICERS

Local Government Act 1995

1 – Appointment of Authorised Persons to Execute Documents

Function	Authority to sign documents.
Statutory Power Delegated	<i>Local Government Act 1995</i> <ul style="list-style-type: none"> • Section 9.49A(4) – Execution of documents
Statutory Power to Delegate:	<ul style="list-style-type: none"> • Nil.
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	Nil.
Sub Delegated to:	Nil.
Conditions on Delegation/Sub-Delegation	Executing documents through the use of the common seal or by signing a document does not constitute the decision to undertake a particular course of action. A Council resolution or a decision under delegated authority is required prior to executing documents pertaining thereto.
Policy/Compliance Links	<i>Local Government Act 1995</i> <ul style="list-style-type: none"> • Section 5.41(d) – CEO's duty to manage day to day operations. • Authority to Execute Documents on Behalf of Council Policy.
Record Keeping	Record to be kept on relevant register or file
Date of Council Adoption	15 December 2023

Health (Miscellaneous Provisions) Act 1911

1 – Appointment of Deputy

Function Authorised	Authority to exercise and discharge all or any of the powers and functions of the local government.
Statutory Power Authorised	<i>Health (Miscellaneous Provisions) Act 1911</i> <ul style="list-style-type: none">• Section 26 - powers of local government
Statutory Power to Authorise	<i>Health (Miscellaneous Provisions) Act 1911</i> <ul style="list-style-type: none">• Section 26 - powers of local government
Authorised Officers	Chief Executive Officer Environmental Health Officer
Conditions on Authorisation	Nil.
Policy/Compliance Links	<i>Health (Miscellaneous Provisions) Act 1911</i> Environmental Health Policies
Record Keeping	Record to be kept on file: <ul style="list-style-type: none">• Authorised Officers Register
Date of Council Adoption	15 December 2023

Food Act 2008

1 – Appointment of Authorised Officers

Function Authorised	Appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i> .
Statutory Power Authorised	<i>Food Act 2008</i> <ul style="list-style-type: none"> • Part 5 – Powers of Entry, inspection and seizure • Division 1 – entry, inspection and seizure • Division 2- items seized by authorised officers.
Statutory Power to Authorise	<i>Food Act 2008</i> <ul style="list-style-type: none"> • Section 122(1) – Appointment of authorised officers
Authorised Officers	Chief Executive Officer Environmental Health Officer
Conditions on Authorisation	<ul style="list-style-type: none"> • Person to be an authorised officer must have appropriate qualifications and experience to perform the function designated to them or hold office as an environmental health officer under the <i>Public Health Act 2016</i> and the <i>Health (Miscellaneous Provisions) Act 1911</i>. • A warrant to enter may only to be sought after the employee has a sworn affidavit setting out circumstances that gave rise to the need for a warrant (unless an emergency).
Policy/Compliance Links	<i>Food Act 2008</i> <ul style="list-style-type: none"> • Section 122(3) - requirement to maintain a list of authorised officers appointed • Section 123(1) – requirement to provide each authorised officer with a certificate of authority. <i>Food Regulations 2009</i> Department of Health: Guideline on Appointment of Authorised Officers
Record Keeping	Record to be kept on file: <ul style="list-style-type: none"> • Authorised Officers Register
Date of Council Adoption	15 December 2023

2 – Appointment of Designated Officers

Function Authorised	Undertake the powers of a 'designated person' as prescribed in the <i>Food Act 2008</i> and Regulations
Statutory Power Authorised	<i>Food Act 2008</i> <ul style="list-style-type: none"> Section 126(13) – Infringement notices – designated officers
Statutory Power to Authorise	<i>Food Act 2008</i> <ul style="list-style-type: none"> Section 122(1) – Appointment of authorised officers
Authorised Officers	Chief Executive Officer Executive Manager Community, Development & Regulation Environmental Health Officer
Conditions on Authorisation	Certificates of authority must contain any conditions or limitations to which the person's authority is subject, including an expiry date. <u>Chief Executive Officer, Executive Manager Community, Development & Regulation</u> are designated officers for the purpose of Section 126 (6) and (7) only. <u>Environmental Health Officer</u> is designated officer for the purpose of Section 126 (2) only.
Policy/Compliance Links	<i>Food Act 2008</i> <ul style="list-style-type: none"> Section 122(3) - requirement to maintain a list of authorised officers appointed. Section 123(1) – requirement to provide each authorised officer with a certificate of authority. <i>Food Regulations 2009</i> Department of Health: Guideline on Appointment of Authorised Officers
Record Keeping	Record to be kept on file: <ul style="list-style-type: none"> Authorised Officers Register
Date of Council Adoption	15 December 2023

Public Health Act 2016

1 – Appointment of Authorised Officers

Function Authorised	Undertake the powers of an 'authorised officer' for the purposes of the <i>Public Health Act 2016</i> .
Statutory Power Authorised	<i>Public Health Act 2016</i> <ul style="list-style-type: none"> • Part 9 – Notifiable Infectious diseases and Related Conditions • Section 16 – Powers of Entry, Inspection and Seizure
Statutory Power to Authorise	<i>Public Health Act 2016</i> <ul style="list-style-type: none"> • Section 24 – Designation of authorised officers <i>Health (Miscellaneous Provisions) Act 1911</i> <ul style="list-style-type: none"> • Section 3(2A) – Terms used
Authorised Officers	Chief Executive Officer Environmental Health Officer
Conditions on Authorisation	<i>Public Health Act 2016</i> <ul style="list-style-type: none"> • Section 25 – Certain authorised officers to have qualifications and experience
Policy/Compliance Links	<i>Public Health Act 2016</i> <i>Health (Miscellaneous Provisions) Act 1911</i>
Record Keeping	Record to be kept on file: <ul style="list-style-type: none"> • Authorised Officers Register
Date of Council Adoption	15 December 2023

2 – Commence Proceedings

Function Delegated	<ul style="list-style-type: none"> Power to commence proceedings for an offence under the <i>Public Health Act 2016</i> (Section 280).
Statutory Power Delegated	<i>Public Health Act 2016</i> <ul style="list-style-type: none"> Section 280 –Commencing Proceedings
Statutory Power to Delegate:	<i>Public Health Act 2016</i> <ul style="list-style-type: none"> Section 21 – Enforcement agency may delegate
Delegated to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	Nil – Unless a regulation enacted under the <i>Public Health Act 2016</i> specifically authorises a delegated power or duty of an enforcement agency to be further delegated [Section 21(4)]
Sub Delegated to:	Nil.
Conditions on Delegation/Sub-Delegation	Nil.
Policy/Compliance Links	<i>Public Health Act 2016</i>
Record Keeping	<p>Record to be kept on relevant file.</p> <p>Regulation 19 of <i>Local Government (Administration) Regulations 1996</i> requires delegates to keep a written record of how and when they exercise the power or discharge the duty, and the persons or classes of persons directly affected.</p> <p>The delegate is to ensure that all evidentiary documents meet the requirements of Regulation 19 and are retained on the Shire's record keeping database.</p>
Date of Council Adoption	15 December 2023

Health (Asbestos) Regulations 1992

1 – Appointment of Authorised Officers

Function Authorised	Appoint a person to be an authorised officer for the purposes of Part 2 of the <i>Criminal Procedures Act 2004</i> for issuing and withdrawing infringement notices and extending time to pay.
Statutory Power Authorised	<i>Criminal Procedures Act 2004</i> <ul style="list-style-type: none"> Part 2 – dealing with alleged offenders without prosecuting them
Statutory Power to Authorise	<i>Health (Asbestos) Regulations 1992</i> <ul style="list-style-type: none"> Section 15D(5) – appoint persons or classes of persons to be authorised officers or approved officers for purpose of the <i>Criminal Procedures Act 2004</i>.
Authorised Officers	Chief Executive Officer Executive Manager Community, Development and Regulation Environmental Health Officer
Conditions on Authorisation	The appointment for the issuing of Infringement Notices is granted to: <ul style="list-style-type: none"> Chief Executive Officer Environmental Health Officer <p>The appointment for withdrawing of Infringement Notices or extending the time to pay is granted to:</p> <ul style="list-style-type: none"> Chief Executive Officer Executive Manager Community, Development and Regulation
Policy/Compliance Links	<i>Public Health Act 2016</i> <ul style="list-style-type: none"> Section 25 – Certain authorised officers to have qualifications and experience <i>Health (Miscellaneous Provisions) Act 1911</i> <i>Health (Asbestos) Regulations 1992</i> <i>Criminal Procedures Act 2004</i>
Record Keeping	Record to be kept on file: <ul style="list-style-type: none"> Authorised Officers Register
Date of Council Adoption	15 December 2023

2 – Appointment of Approved Officers

Function Authorised	Appoint a person to be an 'approved officer' for the purposes of Part 2 of the <i>Criminal Procedures Act 2004</i> .
Statutory Power Authorised	<i>Criminal Procedures Act 2004</i> <ul style="list-style-type: none"> • Section 14 – Extension of time • Section 15 – Withdrawal of infringement notices
Statutory Power to Authorise	<i>Health (Asbestos) Regulations 1992</i> <ul style="list-style-type: none"> • Section 15D(5) – appoint persons or classes of persons to be authorised officers or approved officers for purpose of the <i>Criminal Procedures Act 2004</i>.
Authorised Officers	Chief Executive Officer Executive Manager Community, Development and Regulation
Conditions on Authorisation	An authorised officer cannot also be an approved officer under the <i>Criminal Procedures Act 2004</i> .
Policy/Compliance Links	<i>Public Health Act 2016</i> <i>Health (Miscellaneous Provisions) Act 1911</i> <i>Health (Asbestos) Regulations 1992</i> <i>Criminal Procedures Act 2004</i>
Record Keeping	Record to be kept on file: <ul style="list-style-type: none"> • Authorised Officers Register
Date of Council Adoption	15 December 2023

