



Instrument of Delegation Register

Powers and Duties of the Council Delegated to the Chief Executive Officer

All delegations are presented in accordance with Section 5.42 of the Local Government Act 1995 as amended or other statutes as applicable to specified officers. In accordance with Section 5.44 of the LGA 1995 as amended, sub-delegations are listed in this document for consolidation purposes only and are not a matter that is to be considered by Council.

- Presentation to Council at the OMC
- Notice to Officers

Standard Conditions of Delegation

Each instrument of delegation describes the function being delegated and the relevant statutory reference.

In addition to the Conditions imposed under the individual delegations, any person proposing to exercise a power under delegated authority shall comply with the following standard conditions of delegation:

- In accordance with Section 5.71 of the *Local Government Act 1995* and the Shire of Broome Code of Conduct, if an employee has been delegated a power or duty relating to a matter in which the employee has an interest that employee must not exercise the power or discharge the duty and must in the case of the CEO, disclose to the Shire President the nature of the interest, and in the case of any other employee, must disclose to the CEO the nature of the interest. The LGA contains severe penalties for failure to comply.
- In accordance with Sections 5.75 and 5.76 of the *Local Government Act 1995* the delegation of a power or duty to an employee triggers the requirement to make disclosures in primary and annual returns. The LGA contains severe penalties for failure to comply. It is the responsibility of each individual employee to ensure compliance.
- Any delegation exercised shall comply with any laws and regulations in force, and the requirements of any Shire of Broome local laws, Council policies and resolutions of Council.

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

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

Record and Reporting requirements are specified in the individual delegations.

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LOCAL GOVERNMENT ACT 1995

LGA1 Activities Requiring Approval

Head of Power **Local Government Act 1995 (Sections 5.42 & 5.44)**

Power/Duty Delegated

Part	3 – Functions of local governments
Division	2 – Legislative functions of local governments 3 – Executive Functions of local governments
Section	3.18 – Performing executive functions 3.21 – Duties when performing functions 3.50 – Closing of certain thoroughfares to vehicles
Sub section	
Local Law	Shire of Broome Local Government Property and Public Places Local Law 2016 (or as amended)
Relevant Policies	3.3.6 – Trading in Public Places 3.3.7 – Horses on Cable Beach 3.4.7 – Events 3.5.1 – BRAC Reserve Non Sporting Special Events

Previous Delegation # D.01

Deleted: 4.2.5 – Traffic Management for Events

Detail of delegation

The Chief Executive Officer has delegated authority to approve activities on any local government property or public place within the Broome town site area in accordance with local law.

Power to amend, vary or alter permits and licences issued under the Local Government Property and Public Places Local Law 2016.

Conditions Imposed

The delegation is to be exercised in accordance with relevant Council policies.

Where appropriate and where the event will impact upon a public road the requirements of the Traffic Management for Events Code of Practice shall be adhered to.

Sub-delegation Permitted Yes

Sub-delegated to Director Development & Community
Director Infrastructure
Manager Health, Emergency & Ranger Services
Manager Community Development
Events & Economic Development **Coordinator** (the sub delegation to this position only applies to the approval of **Category 1** events and filming permits in accordance with Events Policy 3.4.7)

Deleted: Coordinator

Deleted: non-exclusive

Record requirements Documentation to be recorded to files LAW009, REP002, REP003, REP004 or REP005 or the appropriate reserve or property file as applicable.

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02 (Delegations of Authority Register).

LGA2 Administering the *Local Government (Miscellaneous Provisions) Act 1960*

Head of Power *Local Government Act 1995 (Sections 5.42 & 5.44)*

Power/Duty Delegated

Part	
Division	
Section	448, 449, 450, 451, 460, 464, 474
Sub section	
Local Law	
Relevant Policies	

Previous Delegation #: N/A

Deleted: 364,

Deleted: 452, 453, 455, 456, 457,

Detail of delegation

The Council delegates authority to the Chief Executive Officer to perform the functions in relation to the administration of the *Local Government (Miscellaneous Provisions) Act 1960* including the following:

- § 448 - give consent for cattle to be driven along or onto a street, way, or place.
- s 448 - impound cattle driven along or onto a street, way, or place, without permission.
- s 449 - establish and maintain one or more public pounds, appointing fit and proper persons to be keepers of those pounds.
- § 450 - cause public notice to be given of the establishment of a public pound and the appointment of or removal of pound keepers and Rangers.
- s 451(1) - close a pound and dismiss the pound keeper.
- § 460(3AA)(b) - appoint a person, and make arrangements, to carry out the sale of cattle impounded by a land owner or occupier, to which damages and sustenance charges have not been paid within 72 hours.
- s 464 - vary the poundage, trespass, sustenance, and rangers fees and charges.
- s 474(4)(a) - appoint a person, and make arrangements, to carry out the sale of unclaimed cattle impounded in a public pound.

Deleted: <#>s 364(2) - cause written notice of a new street alignment to be served on the owners of land affected.¶

<#>s 364(3C) - approve the execution of minor, but not substantial repairs in order to permit the reasonable preservation of building or work.¶

<#>s 364(6) - lease land, or a portion of it, to the owner of the land of which it abuts.¶

<#>s 364(7) - pay compensation to the owner of land dedicated and reverted under section 364.¶

<#>s 364(9) - cause written notice of land reverted under section 364 to be given.¶

Deleted: <#>s 449 - appoint a Ranger or Rangers.¶

Deleted: and Rangers

Deleted: <#>s 452(1) - cause a public pound to be properly enclosed, and so adapted, that cattle impounded with contagious or infectious diseases can be segregated from cattle free from those diseases while impounded.¶

<#>s 453 - cause adequate shelter and water to be afforded to cattle whilst impounded.¶

<#>s 455(1) - supply the pound keeper with a copy of the *Local Government (Miscellaneous Provisions) Act 1960* and a pound book.¶

<#>s 456 - erect and maintain in proper repair at the public pound, a board displaying the holding capacity, fees, charges and rates at which damages may be claimed.¶

<#>s 457(3) - pay any unclaimed money held by the public pound to the trust fund.¶

<#>s 457(4) - after a period of two years, pay any unclaimed money received from the pound keeper into the municipal fund

Deleted: s 449, s 452(1), s 453, s 455(1), s 456,

Conditions Imposed

Delegation to be in writing, any sub-delegation to be in writing and reviewed every financial year.

Sub-delegation Permitted: Yes

Sub-delegated to:

Director Development and Community:

s 364(2), s 364(3C), s 364(9), s 448, § 460(3AA)(b), s 464, s 474(4)(a)

Manager Health, Emergency and Ranger Services:
s 448, s 460(3AA)(b), s 464, s 474(4)(a)

Deleted: s 449, s 452(1), s 453, s 455(1), s 456,

Ranger Coordinator:
s 448,

Deleted: s 452(1), s 453, s 455(1), s 456

Record requirements Documentation to be recorded as per Shire Protocols.

Deleted: Rangers: removed per memo dated 6 June 2018¶

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02 (Delegations of Authority Register)

LGA3 Applications to Main Roads WA for the installation of Regulatory Signs

(Withdrawn OMC 28 September 2017 – Item 9.4.3)

LGA4 Appointment of Acting CEO

(Withdrawn OMC 14 December 2017 – Item 9.4.4)

LGA5 Approval of Signage within Active Reserves

Head of Power *Local Government Act 1995 (Sections 5.42 & 5.44)*

Power/Duty Delegated

Part	3 Functions of local governments
Division	3 Executive functions of local governments
Section	3.54 Reserves under control of local government
Sub section	
Local Law	Local Government Property and Public Places Local Law
Relevant Policies	Policy 3.5.2 Advertising/Sponsors Signs within Active Reserves Local Planning Policy 5.10 – Signs

Previous Delegation # N/A

Detail of delegation

The Chief Executive Officer is delegated authority to approve advertising/sponsor signs within active reserves in accordance with the appropriate Council policy.

Conditions Imposed

The Chief Executive Officer is to have consideration for Policy 3.5.2 Advertising/Sponsors Signs within Active Reserves and Local Planning Policy 5.10 – Signs.

The Chief Executive Officer is to consult with Manager Health, Emergency and Ranger Services, Manager Works, Manager Sport and Recreation, Manager Community and Economic Development as required.

Sub-delegation Permitted Yes

Sub-delegated to Director Development and Community
Manager Sport and Recreation

Record requirements Documentation to be recorded to the relevant reserve file.

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02 (Delegations of Authority Register)

LGA6 Approval to use Council Property for Activities Involving the Sale, or Supply and Consumption of Liquor

Head of Power *Local Government Act 1995 (Section 5.42 & 5.44)*

Power/Duty Delegated

Part	3 Functions of local government
Division	3 Executive functions of local governments
Section	3.54 Reserves under control of the local government
Sub section	
Local Law	Local Government Property and Public Places Local Law (or as amended)
Relevant Policies	3.1.4 Alcohol Management 3.4.7 Events

Deleted: 3.3.1

Previous Delegation # D.44

Detail of delegation

The Chief Executive Officer is delegated authority to permit or authorise the sale, or supply and consumption of liquor on property under the care, control and management of Council.

Conditions Imposed

The Chief Executive Officer is to have regard to the Alcohol Management Policy [3.1.4](#).

Deleted: 3.3.1

The approval is subject to the subsequent issue of an approved liquor licence issued by the appropriate authority for the sale of liquor if required by law.

The Director Development and Community and Manager Environmental Health, Emergency & Ranger Services shall liaise with Manager Community & Economic Development, Manager Sport & Recreation, Manager Planning & Building Services and Manager Works, before exercising this delegated power.

Sub-delegation Permitted Yes

Sub-delegated to Director Development & Community
Manager Health, Emergency & Ranger Services

Record requirements Documentation to be recorded to the relevant property or reserve file.

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02 (Delegations of Authority Register).

LGA7 Approve Applications for Public Health Initiatives

Head of Power *Local Government Act 1995 (sections 5.42 & 5.44)*

Power/Duty Delegated

Part	3 Functions of local governments
Division	3 Executive functions of local governments
Section	3.54 Reserves under control of a local government
Sub section	
Local Law	
Relevant Policies	

Previous Delegation # D.22

Detail of delegation

The Chief Executive Officer is delegated authority to approve applications for the public health initiative known as "condom trees".

Conditions Imposed Nil

Sub-delegation Permitted Yes

Sub-delegated to Director Development and Community
Manager Health, Emergency & Ranger Services
Coordinator Environmental Health

Record requirements Documentation to be recorded to file ENH01.

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02 (Delegations of Authority Register).

LGA8 Broome Recreation and Aquatic Centre – Trading hours, Extension of

(Withdrawn OMC 14 December 2017 – Item 9.4.4)

LGA9 Broome Street Number Markers

| [Withdrawn OMC – Item](#)

LGA10 Waiving and refunding of fees for applications administered by Development Services

Head of Power *Local Government Act 1995* (sections 5.42 & 5.44)

Power/Duty Delegated

Part	6 Financial management
Division	4 General financial provisions
Section	6.12 Power to defer, waive or write off debts
Sub section	(1)(b)
Local Law	
Relevant Policies	3.1.2 - Waiving and Refunding of Fees

Previous Delegation # D.15

Detail of delegation

The Chief Executive Officer is delegated the power to waive or refund fees in accordance with Council's Policy and Schedule of Fees and Charges for applications made under the following legislation and local laws administered by the Development and Community Directorate:

- (a) *Building Act 2011*;
- (b) *Bush Fires Act 1954*;
- (c) *Food Act 2008*;
- (d) *Local Government Act 1995*;
- (e) *Public Health Act 2016*;
- (f) *Local Government Property and Public Places Local Law 2012*; and
- (g) *Trading, Outdoor Dining and Street Entertainment Local Law 2003*.

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Conditions Imposed

Sub-delegation Permitted Yes

Sub-delegated to Director Development and Community
Manager Planning & Building Services
Manager Health, Emergency & Rangers

Record requirements Documentation to be placed on recorded to the relevant building and property permit file.

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02 (Delegations of Authority Register).

LGA11 Cape Leveque Road, Wet Season Closure and Load Limits

Head of Power *Local Government Act 1995 (Section 5.42 & 5.44)*

Power/Duty Delegated

Part	3 Functions of local governments
Division	3 Executive functions of local governments
Section	3.50 Closing certain thoroughfares to vehicles
Sub section	2
Local Law	Local Government Property and Public Places Local Law 2016
Relevant Policies	4.2.6 – Closure of Unsealed Roads Due to Wet Weather

Previous Delegation # D.18

Detail of delegation

The Chief Executive Officer is delegated authority to grant approval for the section of the Broome – Cape Leveque Road from the end of the bitumen south of the Manari Road turn off to the start of the northern most sealed section near Beagle Bay to all classes of vehicles of gross mass (GVM) 11 tonnes or more, for the period from 1 December to 31 March; each year;

That approvals only be issued for heavy vehicles in excess of 11 tonne GVM and assessed as providing “essential” transport under the conditions outlined below.

Conditions Imposed

Authority to grant approval is subject to the following conditions:

- Bogie Drive vehicles allowed only, rigid truck, B - Double or rigid truck and single trailer combination;
- Road Train trip requests to be considered on their merits and be subject to appropriate conditions;
- One trip per week only, unless a special permit is provided by the Chief Executive Officer;
- Each trip cannot commence before confirmation by the Shire that substantial rain has not occurred on the road within the 48 hours preceding the trip and that clear weather is forecast;
- If substantial rain has occurred or is occurring, the vehicle will have to wait until cleared by the Shire;
- No responsibility will be taken by the Shire to recover bogged or disabled vehicles and any damages caused by any ‘permit’ vehicles may be chargeable to the permit holders, depending on circumstances at the time;
- The permit can be cancelled at any time at the discretion of the Chief Executive Officer, if circumstances warrant;
- These conditions may be varied at the discretion of the Chief Executive Officer based on a risk assessment basis.

Sub-delegation Permitted Yes

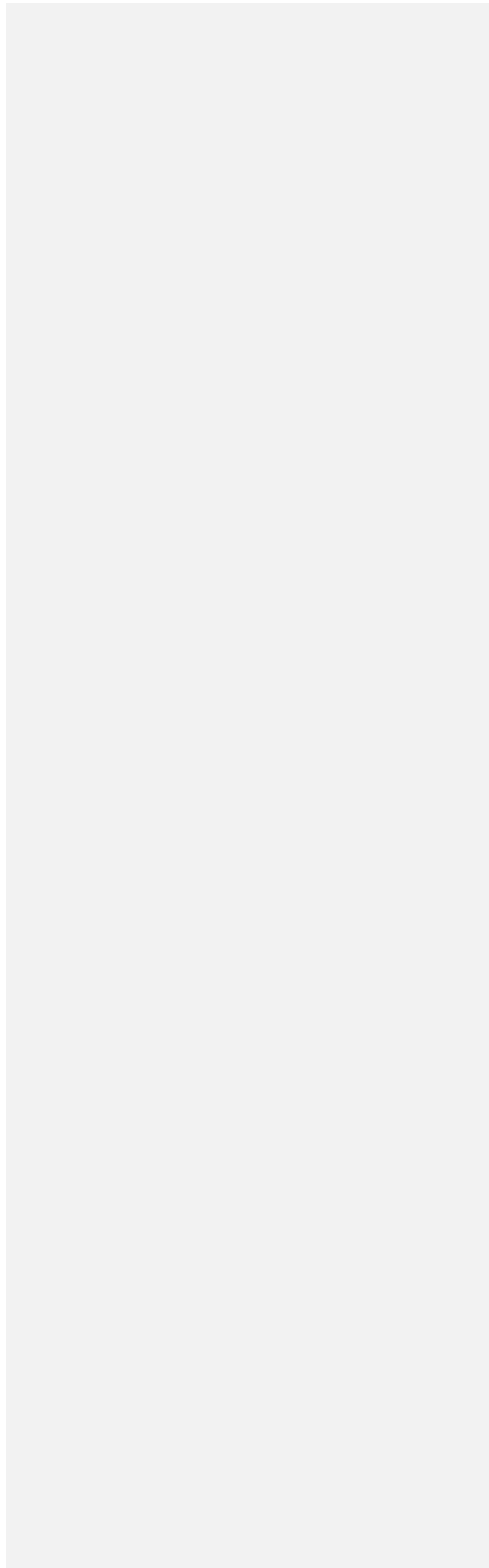
Sub-delegated to Director Infrastructure
Manager Works

Record requirements Documentation to be recorded to file ENR01.

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02 (Delegations of Authority Register)

LGA12 Council Chambers

[Withdrawn OMC – Item](#)



LGA13 Declaring A Vehicle To Be An Abandoned Vehicle Wreck

Head of Power *Local Government Act 1995 (Section 5.42 & 5.44)*

Power/Duty Delegated

Part	3 Functions of local governments
Division	3 Executive functions of local governments
Section	3.40A Abandoned vehicle wreck may be taken
Sub section	(4)
Local Law	
Relevant Policies	

Previous Delegation # N/A

Detail of delegation

In accordance with *Local Government Act 1995* section 3.40A(4) if after seven days from the removal of a vehicle deemed to be an abandoned wreck the owner of the vehicle has not been identified or after seven days from the giving of a notice the owner has not collected the vehicle the Chief Executive Officer may declare that the vehicle is an abandoned vehicle wreck.

Conditions Imposed

Nil

Sub-delegation Permitted Yes

Sub-delegated to Director Development and Community
Manager Health, Emergency & Rangers Services

Record requirements Documentation to be recorded to file LAW007.2 and any other relevant file.

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02 (Delegations of Authority Register).

LGA14 Disposal and Acquisition of Assets (Other than Land)

Head of Power *Local Government Act 1995 (Sections 5.42 & 5.44)*

Power/Duty Delegated

Part	3 Functions of local governments
Division	3 Executive functions of local governments
Section	3.58 Disposing of Property
Sub section	
Regulation	<i>Local Government (Functions and General) Regulations 1996 Regulation 30(3)</i>
Local Law	
Relevant Policies	3.1.18 Disposal of Assets 1.2.9 Local Regional Price Preference 2.3.7 Purchasing

Previous Delegation # D.29

Detail of delegation

The Chief Executive Officer is delegated authority to acquire or dispose of Shire assets (other than land) by public tender, expressions of interest or public auction valued at an amount not exceeding \$150,000.

Conditions Imposed

The delegation shall be exercised provided that appropriate provision is made in Council's Budget.

Sub-delegation Permitted Yes

Sub-delegated to Deputy Chief Executive Officer
Director Infrastructure
Director Corporate Services
Director Development and Community
Manager Health, Emergency & Ranger Services

In accordance with values endorsed by the Chief Executive Officer.

Record requirements Documentation to be recorded to the relevant plant file and/or file EPL03 (Disposal – Auctions & Sales) if applicable.

Reporting requirements The Chief Executive Officer is to inform the Council of the detail of all acquisitions or disposals under this delegation.

LGA15 Disposal of Impounded Vehicles and Goods

Head of Power *Local Government Act 1995 (Section 5.42 & 5.44)*

Power/Duty Delegated

Part	3 Functions of local governments
Division	3 Executive functions of local governments
Section	3.47(2) Disposing of confiscated or uncollected goods
Sub section	
Local Law	<i>Parking and Parking Facilities Local Law 2012</i>
Relevant Policies	

Previous Delegation # D.38

Detail of delegation

The Council delegates authority to the Chief Executive Officer to perform the functions in relation to the administration of the *Local Government Act 1995* including the following:

S3.47(2)	sell or otherwise dispose of any vehicles or goods that have been impounded
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Conditions Imposed

This delegation is exercised provided that the estimated resale value of that particular vehicle is below the prescribed value and the statutory two month waiting period is completed.

Sub-delegation Permitted Yes

Sub-delegated to Director Development and Community
Manager Health, Emergency & Ranger Services
[Coordinator Rangers](#)

Record requirements Documentation to be recorded to file LAW007.2 and the relevant tender file if applicable.

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02 (Delegations of Authority Register).

LGA16 Disposing of Sick Or Injured Impounded Animals

Head of Power *Local Government Act 1995 (Section 5.42 & 5.44)*

Power/Duty Delegated

Part	3 Functions of local governments
Division	3 Executive functions of local governments
Section	3.47A Sick or injured animals, disposal of
Sub section	(1)
Local Law	<i>Dog Local Law 2012</i>
Relevant Policies	

Previous Delegation # N/A

Detail of delegation

The Chief Executive Officer is delegated the power under s3.47A – to determine that an impounded animal is ill or injured to such an extent that treating it is not practicable, to humanely destroy the animal and to dispose of the carcass.

Conditions Imposed

Officers must liaise with an authorised veterinarian if practicable and must not destroy an animal unless-

- (a) because of the state of the animal, destroying it is urgent; or
- (b) the local government has taken reasonable steps to notify the owner and has complied with statutory requirements.

Sub-delegation Permitted Yes

Sub-delegated to Director Development and Community
Manager Health, Emergency & Ranger Services
Coordinator Rangers

Record requirements Documentation to be recorded to file LAW002.8

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02 (Delegations of Authority Register).

LGA17 Execution of Documents – Authorisation without Common Seal

(Withdrawn OMC 7 September 2017 – Item 9.4.3)

LGA18 Insurance

Head of Power *Local Government Act 1995 (Section 5.42 & 5.44)*

Power/Duty Delegated *Local Government (Financial Management) Regulations 1996*

Part	5
Division	4 Local Government Employees
Section	5.42 Delegation of some powers to CEO
Sub section	
Regulation	5 CEO's duties as to financial management (1)(e)
Local Law	
Relevant Policies	

Previous Delegation # D.39

Detail of delegation

The Chief Executive Officer is delegated authority to enter into appropriate contracts of insurance on behalf of Council, whilst Council's insurance portfolio is managed by Local Government Insurance Service.

Conditions Imposed

Sub-delegation Permitted Yes

Sub-delegated to Director Corporate Services

Record requirements Documentation to be recorded to file RIC10 (Insurance Policies & Renewals).

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02 (Delegations of Authority Register).

LGA19 Investment of Surplus Funds

Head of Power *Local Government Act 1995 (Sections 5.42 & 5.44)*

Power/Duty Delegated

Part	6. Financial management
Division	4 General financial management
Section	6.14 Power to invest
Regulation	<i>Local Government (Financial Management) Regulations 19, 19C</i>
Local Law	
Relevant Policies	2.2.3 – Investment of Surplus Funds

Previous Delegation # D.40

Detail of delegation

The Chief Executive Officer is delegated authority to invest surplus funds from the Municipal, Trust and Reserve funds in asset classes as set out in Policy 2.2.3 Investment of Surplus Funds.

Conditions Imposed

The Chief Executive Officer shall have regard to Policy 2.2.3 Investment of Surplus Funds.

Sub-delegation Permitted Yes

Sub-delegated to Director Corporate Services
Manager Financial Services
Coordinator Financial Services

Record requirements Documentation to be recorded to file FIN001.

Reporting requirements To be reported in the Monthly Financial Activity Report with a copy of the report to be recorded to file ARE02 (Delegations of Authority Register).

LGA20 Local Government (Uniform Local Provisions) Regulations 1996, Consent Permission or Approvals

Head of Power *Local Government Act 1995 (Section 5.42 & 5.44)*

Power/Duty Delegated *Local Government (Uniform Local Provisions) Regulations 1996*

Part	
Division	
Section	
Regulation	6, 11, 12, 13, 17
Sub section	
Local Law	Nil
Relevant Policies	Nil

Previous Delegation # D.45

Detail of delegation

The Chief Executive Officer is delegated authority to:-

- Give permission to obstruct a public thoroughfare by things placed and left,
- Give permission to make or make and leave an excavation in a public thoroughfare or on land adjoining a public thoroughfare,
- Approve the construction of a crossing giving access from a public thoroughfare to land or a private thoroughfare,
- Issue a notice requiring a person to construct or repair a crossing from a public thoroughfare to land or a private thoroughfare.
- Approve applications to undertake a construction on, over, or under a specified public thoroughfare or public place that is local government property.

Conditions Imposed

That no cost is imposed upon Shire of Broome.

Sub-delegation Permitted Yes

Sub-delegated to Director Infrastructure
Manager Works

Record requirements Documentation to be recorded to the relevant property file.

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02 (Delegations of Authority Register).

LGA21 Management Orders, Acceptance of

(Revoked OMC 23 February 2017 – Item 9.4.6)

LGA22 Municipal / Trust Fund, Authorisation of Payments, including Creditors

Head of Power *Local Government Act 1995 (Sections 5.42 & 5.44)*

Power/Duty Delegated

Local Government (Financial Management) Regulations 1996

Part	6 Financial management
Division	4 General financial provisions
Section	6.10 Financial management regulations
Sub section	
Regulation	12 Payment from municipal fund or trust fund 13 List of accounts
Local Law	
Relevant Policies	

Previous Delegation # D.47

Detail of delegation

The Chief Executive Officer is delegated authority to authorise payments from the municipal and trust funds with the information required under Regulation 13 of the *Local Government (Financial Management) Regulations 1996*.

Conditions Imposed

Authority is to be exercised in accordance with Regulation 12 of the *Local Government (Financial Management) Regulations 1996*.

Each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled for each month showing:

- The payee's name,
- The amount of the payment,
- The date of the payment, and
- Sufficient information to identify the transaction

The list referred to above is to be presented to the Council at the next Ordinary Meeting of the Council following the preparation of the list and is to be recorded in the minutes of the meetings at which it is presented.

Sub-delegation Permitted Yes

Sub-delegated to Director Corporate Services
Manager Financial Services
Coordinator Financial Services

Record requirements The Council item, together with attachment (Authorisation of Expenditure Schedule), is to be recorded to file FRE02.

Reporting requirements Presented to Council via the Ordinary Meetings of Council

LGA23 Operational – Authorised Officers, Appointment of

Head of Power **Local Government Act 1995 – (Sections 5.42 and 5.43)**

Power/Duty Delegated As listed below

**Deleted: Local Government (Miscellaneous Provisions) Act 1960 ¶
Dog Act 1976¶
Health Act 1911¶
Cemeteries Act 1986¶**

Part	3 Functions of local governments 9 Miscellaneous Provisions
Division	3 Executive functions of local governments 2 Enforcement and legal proceedings
Sub Division	2 Certain provisions about land 1 Miscellaneous Provisions about enforcement
Section	3.24 Authorising persons under this Subdivision 9.10 Appointment of Authorised Persons
Sub section	
Local Laws	Dog Local Law 2012 Health Local Law 2006 Parking and Parking Facilities Local Law 2012 Trading, Outdoor Dining and Street Entertainment Local Law 2016 Local Government Property and Public Places Local Law 2016 Cemeteries Local Law 2012

Previous Delegation # D.50

Detail of delegation

The Chief Executive Officer is delegated the power to appoint persons or classes of person as authorised [persons for the purpose of fulfilling prescribed functions within the Local Government Act 1995, including Local Government Act Regulations, the Local Government \(Miscellaneous Provisions\) Act 1960 and Local Laws made under the Local Government Act. \(s.3.24 and s.9.10\)](#)

Deleted: officers in accordance with the various Acts, Regulations and Local Laws listed below and as amended

Conditions Imposed [a. A register of Authorised Persons is to be maintained as a record.](#)
[b. Only persons who are appropriately qualified and trained, may be appointed as Authorised persons.](#)

Deleted: <#>Local Government Act 1995 – Part 9 Division 2 Section 9.10 ¶
<#>Local Government (Miscellaneous Provisions) Act 1960 - Part XX Section 449 (appointment of Pound Keeper and/or Rangers) Act to be read as part of the Local Government Act ¶
<#>Dog Local Law 2012 ¶
<#>Health Local Law 2006¶
<#>Parking and Parking Facilities Local Law 2012 ¶
<#>Trading, Outdoor Dining and Street Entertainment Local Law 2016 ¶
<#>Local Government Property and Public Places Local Law 2016¶
<#>Cemeteries Local Law 2012¶

Sub-delegation Permitted No

Sub-delegated to Nil

Record requirements [Instruments or Certificates of Authorisation - are to be recorded to ARE04](#), and details of authorisation placed on the Authorised Persons Register.

Deleted: Nil

Deleted: ing

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02 (Delegations of Authority Register).

Deleted: Documentation to be recorded to the staff member's personnel file

LGA24 Operational – Community Sponsorship Program

Head of Power *Local Government Act 1995 (Sections 5.42 & 5.44)*

Power/Duty Delegated

Part	5 Administration
Division	4 Local government employees
Section	5.42 Delegation of some powers to the CEO
Sub section	6.2 Local government to prepare annual budget
Local Law	Nil
Relevant Policies	3.4.2 Community Sponsorship Program

Previous Delegation # D.53

Detail of delegation

The Chief Executive Officer is delegated authority to approve ad hoc sponsorship to a maximum of \$1,000 in accordance with Council's approved Financial Year Budget.

Conditions Imposed

The Chief Executive Officer shall have regard to Policy 3.4.2 Community Sponsorship Program and annual priorities for the ad hoc sponsorship funding established by the Community Sponsorship Assessment Working Group.

Sub-delegation Permitted Yes

Sub-delegated to Director Development & Community

Record requirements Documentation kept on to be recorded to file FIS07 (Ad Hoc Community Sponsorship).

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02 (Delegations of Authority Register).

LGA25 Operational – Contract Price Variations

Head of Power *Local Government Act 1995 (Sections 5.42)*

Power/Duty Delegated

Local Government (Functions and General) Regulations 1996

Part	4 Provision of goods and services
Division	2 Tenders for providing goods and services (s3.57)
Regulation	20 Variation of requirements before entry into contract 21A Varying a contract for the supply of goods or services
Local Law	
Relevant Policies	2.1.2 – Purchasing Policy

(Incorporated into LGA37 at OMC 28 June 2018 Item 9.4.7)

LGA26 Operational – Legal Representation, Costs Indemnification

Head of Power *Local Government Act 1995 (Section 5.42 & 5.44)*

Power/Duty Delegated

Part	5 Administration
Division	4
Section	5.42 Delegation of some powers and duties to CEO
Sub section	
Local Law	
Relevant Policies	Policy 1.2.3 – Legal Representation Cost Indemnification

Previous Delegation # D.57

Detail of delegation

The Chief Executive Officer is delegated authority to approve [urgent legal representation applications from elected members or staff up to a maximum of \\$10,000 when there is insufficient time for an application to be considered by Council.](#)

Deleted: from elected members or staff

Deleted: for urgent legal services where there is a need for the services, before an application can be considered by Council.

Conditions Imposed

The Chief Executive Officer is to [consider](#) Policy 1.2.3 of the Council in relation to this matter as determined and varied from time to time.

Deleted: The Chief Executive Officer should reference legal advice on any application if he/she deems necessary and can exercise this authority up to the value of \$20,000.¶

Sub-delegation Permitted Yes

Deleted: take into account

Sub-delegated to

[Director Corporate Services](#)
[Manager Governance](#)

Deleted: Director Development and Community

Record requirements The advice documentation is to be recorded to the relevant subject, property or reserve file, and the staff member's personnel file.

Reporting requirements The Council is to be informed of all legal advice obtained and the advice is to be made available for inspection upon request.

LGA27 Permits, Road Trains and Extra Mass

Head of Power *Local Government Act 1995 (Section 5.42 & 5.44)*

Power/Duty Delegated

Part	3 Functions of local governments
Division	3 Executive functions of local governments
Section	3.50 Closing certain thoroughfares to vehicles
Sub section	
Local Law	Local Government Property and Public Places Local Law 2016
Relevant Policies	4.2.6 – Closure of Unsealed Roads Due to Wet Weather

Previous Delegation # D.61

Detail of delegation

The Chief Executive Officer is delegated authority to determine any application recommending approval or refusal, with conditions, to Main Roads WA to use road trains and applications for extra mass permits and/or over-dimensional vehicle permits on any local road within the district.

Conditions Imposed

The Chief Executive Officer is to have regard to:

- 1) All roads are subject to the appropriate approval by Main Roads WA and subsequent issue of relevant permits
- 2) Applicants are to supply Council with a copy of Main Roads WA permit before operations commence
- 3) That the speeds of the vehicles do not exceed 90km/h on gravel roads
- 4) Applicants are requested to utilise sealed routes, where possible, particularly during periods of wet weather
- 5) Council reserves the right to withdraw the approval with twenty four (24) hours notice.
- 6) Any policy of Council in place from time to time.

Sub-delegation Permitted Yes

Sub-delegated to Director Infrastructure

Record requirements Documentation to be recorded to files ENR01 or TRL03 as applicable.

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02 (Delegations of Authority Register).

LGA28 Private Works

Head of Power *Local Government Act 1995 (Section 5.42 & 5.44)*

Power/Duty Delegated

Part	6 Financial management
Division	5 Financing local government activities
Section	6.15 Local government's ability to receive revenue and income
Sub section	
Local Law	Nil
Relevant Policies	4.2.1 Private and Community Works

Previous Delegation # D.63

Detail of delegation

The Chief Executive Officer is delegated authority to undertake private works within the Shire of Broome when determined to be in the interests of Council and when written authorisation is provided by the client to proceed.

Conditions Imposed

Delegation to be in accordance with relevant policy.

Sub-delegation Permitted Yes

Sub-delegated to Director Infrastructure
Manager Works

Record requirements Documentation to be recorded to the relevant reserve or property file.

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02 (Delegations of Authority Register).

LGA29 Purchase Orders, Issue of

(Withdrawn OMC 2019 – Item)

LGA30 Rates and Service Charges - Agreements

Head of Power **Local Government Act 1995 (Sections 5.42 & 5.44)**

Power/Duty Delegated

Part	6. Financial management
Division	6. Rates and service charges
Section	6.49 – Agreement as to payment of rates and service charges
Sub section	
Local Law	Nil
Relevant Policies	2.2.5 – Debt Recovery

Deleted: Rates

Previous Delegation # D.66

Detail of delegation

The Chief Executive Officer is delegated the power to accept payment of a rate or service charge that is due and payable by a person in accordance with an agreement made with that person.

Conditions Imposed

1. The Chief Executive Officer is required to observe any relevant policy.
2. In making any such agreement, the Chief Executive Officer is to exercise discretion in negotiating the best possible repayment schedule to protect the interests of the Shire without imposing undue financial hardship on the person.
3. The Chief Executive Officer is to ensure that appropriate written agreements are entered into and that appropriate internal controls are in place to monitor compliance with the agreed repayment schedule.
4. The Chief Executive Officer is to have regard to the Shire's debt collection policy should the person materially default with the terms of the agreement.

Sub-delegation Permitted Yes

Sub-delegated to Director Corporate Services
Manager Financial Services

Record requirements A written, signed agreement is to be entered into. Document is to be recorded to file ARA10 (Rates – Payment Arrangements & Instalments).

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02 (Delegations of Authority Register).

LGA31 Rates, Unpaid – Power for Sale

(Revoked OMC 23 February 2017 – Item 9.4.6)

LGA32 Rating and Service Charges, Caveat

Head of Power *Local Government Act 1995 (Sections 5.42)*

Power/Duty Delegated

Part	6. Financial management
Division	6 Rates and service charges
Section	6.64 Actions to be taken
Sub section	3
Local Law	
Relevant Policies	2.2.5 – Debt Recovery

Deleted: Rates

Previous Delegation # D.68

Detail of delegation

The Chief Executive Officer is delegated the power to lodge (and withdraw) a caveat to preclude dealings in land where rates or services charges are in arrears and the CEO is of the opinion that it is in the interests of the Shire to lodge the caveat.

Conditions Imposed

1. The Chief Executive Officer is required to observe any relevant policy.
2. The action to lodge a caveat is only to be taken, where in the opinion of the Chief Executive Officer, that action is necessary.
3. The action is only to be taken by persons with the specific written authority to lodge the caveat.

Sub-delegation Permitted No

Sub-delegated to

Record requirements Documentation to be recorded to file ARA06 (Rates – Debt Recovery & Legal Action).

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02 (Delegations of Authority Register).

LGA33 Rating and Service Charges, Legal Action for Recovery

Head of Power *Local Government Act 1995 (Sections 5.42 & 5.44)*

Power/Duty Delegated

Part	6. Financial Management
Division	6 Rates and Service Charges
Section	6.56 Rates and Service Charges Recoverable in Court
Sub section	
Local Law	
Relevant Policies	2.2.5 Debt Recovery

Deleted: Rates

Previous Delegation # D.69

Detail of delegation

The Chief Executive Officer is delegated the power to instigate action through a court to recover a debt, including recovery costs, associated with a rate or service charge, if it remains unpaid after the time for payment under the Act, and in accordance with procedures outlined in the Shire debt collection policy.

Conditions Imposed

1. The Chief Executive Officer is required to observe any relevant policy.
2. The legal action is only to be taken, where in the opinion of the Chief Executive Officer, that action is a last resort to obtain payment.
3. The legal action is only to be taken by persons with the specific written authority to commence the action.

Sub-delegation Permitted Yes

Sub-delegated to Director Corporate Services
Manager Financial Services

Record requirements Documentation to be recorded to file ARA06 (Rates – Debt Recovery & Legal Action).

Deleted: Schedule

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02 (Delegations of Authority Register).

LGA34 Recovery of Rates and Service Charges – Leased Properties

Head of Power *Local Government Act 1995 (Sections 5.42 & 5.44)*

Power/Duty Delegated

Part	6 Financial Management
Division	6 Rates and Service Charges
Section	6.60 Local government may require lessee to pay rent
Sub-Section	
Local Law	
Relevant Policies	2.2.5 Debt Recovery

Previous Delegation # D.71

Detail of delegation

The CEO is delegated:

1. The power to give notice to the lessee of land if payment of a rate or service charge imposed is due and payable requiring the lessee to pay any rent as it falls due in satisfaction of the rate or service charge.
2. The duty to give the lessor a copy of the notice with an endorsement that the original of it has been given to the lessee.
3. The power to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with the notice.
4. The power to request the occupier of property, or an agent of the owner of property to disclose the name and address of the owner or of the person receiving or authorised to receive the rate or service charge.
5. The duty to apply the money for or towards rates or service charges where money is paid on rates and charges due on the land in the order in which they become due.

Conditions Imposed

To observe all relevant provisions of *the Local Government Act 1995*, all other written law and regulations, Council policies, directions and guidelines.

Sub-delegation Permitted Yes

Sub-delegated to Director Corporate Services
Manager Financial Services

Record requirements Documentation to be recorded to file ARA06 (Rates – Debt Recovery & Legal Action) and to the relevant lease file.

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02 (Delegations of Authority Register).

LGA35 Road Closures, General and Temporary

Head of Power *Local Government Act 1995 (Sections 5.42 & 5.44)*

Power/Duty Delegated

Part	3 – Functions of Local Government
Division	3 – Executive Functions of Local Governments
Section	3.50 Closing certain thoroughfares to vehicles, 3.50A Partial closure of thoroughfare for repairs or maintenance
Sub section	
Local Law	Shire of Broome Property and Public Places Local Law
Relevant Policies	4.2.6 Closure of Unsealed Roads Due to Wet Weather

Previous Delegation # D.72

Detail of delegation

The Chief Executive Officer is delegated the authority to temporarily close a street or a portion of a street and/or any local road under Council's control to all traffic for any period not exceeding 28 days, or exceeding 28 days providing local public notice has been provided. This temporary closure is undertaken:

- as by reason of the heavy rain, a street is likely to be damaged by the passage of traffic generally and/or if it is considered the road is unsafe for public traffic; or
- for the purpose of conducting events in accordance with the Traffic Management for Events Code of Practice and the *Road Traffic (Events on Roads) Regulations 1991*.

Conditions Imposed

In accordance with Local Laws.

Sub-delegation Permitted Yes

Sub-delegated to Director Infrastructure
Manager Works

Record requirements Documentation to be recorded to files ENR01 or ROR01 as applicable.

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02 (Delegations of Authority Register).

LGA36 Significant Tree Register

(Withdrawn OMC 14 December 2017 – Item 9.4.4)

LGA37 Tenders for Goods and Services

Head of Power **Local Government Act 1995 (sections 5.42, 5.43 & 5.44)**

Power/Duty Delegated

Part	3 Functions of local governments
Division	3 Executive functions of local governments
Section	3.57 Tenders for providing goods or services
Sub section	<i>Local Government (Functions and General) Regulations 1996:</i> r.11 When tenders must be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for r.18 Rejecting and accepting tenders r.20 Variation of requirements before entry into contract r.21 Limiting who can tender, procedure for r.21A Varying a contract for the supply of goods or services r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
Local Law	Nil.
Relevant Policies / Delegations / Authorisations / Procedures	2.1.2 – Purchasing 2.1.3 – Regional Price Preference CA1 Execution of Documents Management Directive 008

Deleted: LGA29 Purchase Orders, Issue of

Council delegates the following functions to the Chief Executive Officer:

Authority to:

1. Call tenders [F&G r.11(1)].
2. Determine a sole supplier arrangement [F&G r.11(f)] because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier.
3. Undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is \$250,000 or less and the expense is included in the adopted Annual Budget [F&G.r.11(2)].
4. Invite tenders although not required to do so [F&G r.13].
5. Determine in writing, before tenders are called, the selection criteria for acceptance of tenders [F&G r.14(2a)].
6. Determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)].
7. Vary tender information after public notice of invitation to tender and before the close of tenders [F&G r.14(5)].
8. Evaluate tenders, by written evaluation, and decide which is the most advantageous [F&G r.18(4)].

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9. Seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)].
10. Accept, or reject tenders, only up to a value of \$250,000 [F&G r.18(2) and (4)].
11. Decline any tender [F&G r.18(5)].
12. Determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender, subject to a maximum 10% variation and to then enter into minor variations with the successful tenderer before entering into a contract [F&G r.20(1) and (3)].
13. If the chosen tenderer is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer, authority to choose the next most advantageous tender to accept [F&G r.20(2)]
14. In respect to contracts:
 - i. Vary a contract that has been entered into with a successful tenderer, provided the variation does not change the scope of the original contract or increase the contract value beyond 10%.
 - ii. Exercise a renewal or extension option that was included in the original tender specification and contract in accordance with F&G 11(2)(j). [F&G r.21A].
15. Accept another tender where within 6-months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract [F&G r.18(6) & (7)].
16. In respect to expressions of interest:
 - i. Determine when to seek expressions of interest and to invite expressions of interest for the supply of goods or services [F&G r.21].
 - ii. Consider expressions of interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r.23].

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Conditions Imposed:

1. 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:
 - proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Shire,
 - current supply contract expiry is imminent,
 - value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and
 - The tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.
2. In accordance with s.5.43, tenders may only be accepted where the total consideration under the resulting contract is \$150,000 or less and the expense is included in the adopted Annual Budget.
3. Decisions must be based upon full compliance with *Local Government (Functions and General) Regulations 1996* Part 4 Divisions 2 and 3, any relevant written law, Council policy or procedures.

4. Sole supplier arrangements may only be approved where a record is retained that evidences:
- i. A detailed specification;
 - ii. The outcomes of market testing of the specification;
 - iii. The reasons why market testing has not met the requirements of the specification; and
 - iv. Rationale for why the supply is unique and cannot be sourced through other suppliers.

Sub-delegation Permitted: Yes

CEO sub-delegates the following functions to:

Director Corporate Services (functions 1 – 11, [14](#))
Director Development & Community (functions 2, 5, 6, 7, 8, 9, [14](#))
Director Infrastructure (functions 2, 5, 6, 7, 8, 9, [14](#))

Record requirements Documentation to be recorded to LEG256 and relevant tender file.
Monthly Information Bulletin report be recorded to ARE02 (Delegations of Authority Register).

Reporting requirements Tender report to Council for tenders received over \$150,000 and entry in the Tender Register in accordance with Regulations 17 and 24AG of the *Local Government (Functions and General) Regulations 1996*.
Details to be captured in the appropriate record and updated in the Procurement Register.

LGA38 Trading, Outdoor Dining, Street Entertainment and Market Licences

Head of Power *Local Government Act 1995 (Section 5.42)*

Power/Duty Delegated

Part	5 Administration
Division	4 Local Government Employees
Section	5.42 Delegation of some powers and duties to CEO
Sub section	
Clause	
Local Law	Trading, Outdoor Dining and Street Entertainment Local Law 2016 Local Government Property and Public Places Local Law 2016
Relevant Policies	3.3.6 Trading in Public Places; Local Planning Policy 5.1 – Outdoor Dining

Previous Delegation # D.82

Detail of delegation

The Chief Executive Officer is delegated authority to:

- suspend/cancel any Trading Licence should a licence condition be breached.
- determine extension, suspension and cancellation of applications to conduct activities in accordance with the Trading, Outdoor Dining and Street Entertainment Local Law 2016 and Local Government Property and Public Local Law 2016.
- approve and determine applications to conduct activities in accordance with the Trading, Outdoor Dining and Street Entertainment Local Law 2016 and Local Government Property and Public Local Law 2016.
- Amend or vary licences issued under the Trading, Outdoor Dining and Street Entertainment Local Law 2016.
- approve applications for Outdoor Dining Licences.

Conditions Imposed

The Chief Executive Officer shall exercise this delegation in accordance with all Shire of Broome Policies.

Sub-delegation Permitted Yes

Sub-delegated to Director Development and Community
Manager Health, Emergency & Rangers Services
Manager Planning & Building Services

Record requirements Documentation to be placed on the reserve/property file.

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02 (Delegations of Authority Register).

LGA39 Write Off of Debts Up to \$1,000

Head of Power **Local Government Act 1995 (Section 5.42 & 5.44)**

Power/Duty Delegated

Part	6. Financial Management
Division	4 General financial provisions
Section	6.12 Power To Defer, Grant Discounts, Waive Or Write Off Debts
Sub section	
Local Law	
Relevant Policies	2.2.5 Debt Recovery Business Operating Procedure 2.1.1 - Sundry Debt Recovery and Write Off

Deleted: Rates

Deleted: Policy

Previous Delegation # D.88

Detail of delegation

The Chief Executive Officer is delegated authority to write off small amounts of any monies owed to the local government, up to a maximum of \$1,000 per rates assessment and/or debtor record.

Conditions Imposed

1. The Chief Executive Officer is required to observe any relevant policy.
2. The debt write off is only to be actioned, where in the opinion of the Chief Executive Officer all of the following conditions are satisfied:
 - a. the value of the debt inclusive of penalty interest, up to \$1,000 is unrecoverable;
 - b. it would be uneconomical to pursue formal debt recovery procedures; and
 - c. the debtor has maintained a low credit risk history.
3. Monies owing and outstanding after 240 days, that are considered doubtful and where it is uneconomical to pursue further debt recovery, may be written off after authorisation by either the Director Corporate Services or the Manager Financial Services.
4. All amounts stated are exclusive of GST

Sub-delegation Permitted Yes

Sub-delegated to Director Corporate Services
Manager Financial Services

Record requirements Documentation to be recorded to file ARA06 (Rates – Debt Recovery & Legal Action) or ADM06 (Debtors) as applicable.

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02 (Delegations of Authority Register).

LGA40 Lease and Licence Agreements – Community Storage Facility and Staff Housing

Head of Power *Local Government Act 1995 (Sections 5.42 & 5.44)*

Power/Duty Delegated

Part	3 – Functions of local governments
Division	3 – Executive Functions of local governments
Section	3.58 <u>Sub Section (1) Local Government Act 1995</u> – Disposing of property <u>18 Land Administration Act 1997 Various Transactions relating to Crown land to be approved by Minister</u>
Regulations	Regulation 30 of the <i>Local Government (Function & General) Regulations 1996</i>
Local Law	
Relevant Policies	1.3.4 – Staff Housing

Previous Delegation # N/A

Detail of delegation

Under section 5.42 of the *Local Government Act 1995*, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council to lease; sub-lease, licence, reassign a lease or licence of:

a) the Community Storage Facility Located on Crown Reserve 39420; and

b) staff housing,

under section 3.58 of the *Local Government Act 1995* and Regulation 30 of the Local Government (Function & General) Regulations 1996

Deleted: 42502

Conditions Imposed

The power to licence, lease; sub-lease, reassign a lease or licence, applies only to those dispositions that are subject to the provisions of Regulation 30 (2) (b) and (d) of the *Local Government (Function & General) Regulations 1996*.

Deleted: leases

3.58. Disposing of property

(1) In this section —

“**dispose**” includes to sell, lease, or otherwise dispose of, whether absolutely or not; “**property**” includes the whole or any part of the interest of a local government in property, but does not include money

Approval from Minister Where Required

30. Dispositions of property excluded from Act s. 3.58

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if—
 - (a) the land is disposed of to an owner of adjoining land (in this paragraph called the **transferee**) and —
 - (i) its market value is less than \$5,000; and
 - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;
 - or
 - (b) the land is disposed of to a body, whether incorporated or not —
 - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
 - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;
 - or
 - (c) the land is disposed of to —
 - (i) the Crown in right of the State or the Commonwealth; or
 - (ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or
 - (iii) another local government or a regional local government;
 - or
 - (d) it is the leasing of land to an employee of the local government for use as the employee's residence;

Where the power to licence, lease, sub-lease, reassign a lease or licence, applies to an interest in Crown Land the delegation is subject to relevant authorisations outlined in Section 18 of the *Land Administration Act 1997*

18. Crown land transactions that need Minister's approval

- (1) A person must not without authorisation under subsection (7) assign, sell, transfer or otherwise deal with interests in Crown land or create or grant an interest in Crown land.
- (2) A person must not without authorisation under subsection (7) —
 - (a) grant a lease or licence under this Act, or a licence under the *Local Government Act 1995*, in respect of Crown land in a managed reserve; or
 - (b) being the holder of such a lease or licence, grant a sublease or sublicence in respect of the whole or any part of that Crown land.
- (3) A person must not without authorisation under subsection (7) mortgage a lease of Crown land.
- (4) A lessee of Crown land must not without authorisation under subsection (7) sell, transfer or otherwise dispose of the lease in whole or in part.

- (5) The Minister may, before giving approval under this section, in writing require —
- (a) an applicant for that approval to furnish the Minister with such information concerning the transaction for which that approval is sought as the Minister specifies in that requirement; and
 - (b) information furnished in compliance with a requirement under paragraph (a) to be verified by statutory declaration.
- (6) An act done in contravention of subsection (1), (2), (3) or (4) is void.
- (7) A person or lessee may make a transaction under subsection (1), (2), (3) or (4) —
- (a) with the prior approval in writing of the Minister; or
 - (b) if the transaction is made in circumstances, and in accordance with any condition, prescribed for the purposes of this paragraph.
- (8) This section does not apply to a transaction relating to an interest in Crown land if —
- (a) that land is set aside under, dedicated or vested for the purposes of an Act other than this Act, and the transaction is authorised under that Act; or
 - (b) that interest may be created, granted, transferred or otherwise dealt with under an Act other than —
 - (i) this Act; or
 - (ii) a prescribed Act;
 - or
 - (c) an agreement, ratified or approved by another Act, has the effect that consent to the transaction was not required under section 143 of the repealed Act; or
 - (d) the transaction is a lease, sublease or licence and the approval of the Minister is not required under section 46(3b).

Sub-delegation Permitted Yes

Sub-delegated to Director Infrastructure
Director Corporate Services
Director Development and Community

Record requirements Documentation to be recorded to files .

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02 (Delegations of Authority Register).

LGA41 Panels of Pre-qualified Suppliers

Head of Power **Local Government Act 1995 (sections 5.42, 5.43 & 5.44)**

Power/Duty Delegated

Part	3 Functions of local governments
Division	3 Executive functions of local governments
Section	3.57 Tenders for providing goods or services
Sub section	<i>Local Government (Functions and General) Regulations 1996:</i> r.24AB Local government may establish panels of pre-qualified suppliers r.24AC(1)(b) Requirements before establishing panels of pre-qualified suppliers r.24AD(3) & (6) Requirements when inviting persons to apply to join panel of pre-qualified suppliers r.24AH(2), (3), (4) and (5) Rejecting and accepting applications to join panel of pre-qualified suppliers
Local Law	Nil.
Relevant Policies / Delegations / Authorisations / Procedures	2.1.2 – Purchasing 2.1.3 – Regional Price Preference, Management Directive 008

Deleted: LGA29 Purchase Orders, Issue of

Council delegates the following functions to the Chief Executive Officer:

Authority to:

- Determine that there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [F&G r.24AC(1)(b)].
- Before inviting submissions, determine the written criteria for deciding which applications to join a panel of pre-qualified suppliers should be accepted [F&G r.24AD(3)].
- Vary panel of pre-qualified supplier information after public notice inviting submissions has been given, taking reasonable steps to provide each person who has enquired or submitted an application, notice of the variation [F&G r.24AD(6)].
- Reject an application without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation [F&G r.24AH(2)].
- Assess the extent to which a submission satisfies the criteria, by written evaluation, and decide which applications to accept as most advantageous. [F&G r.24AH(3)].
- Request clarification of information provided in an applicant's submission [F&G r.24AH(4)].
- Decline to accept any application [F&G r.24AH(5)].
- Enter into a contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services [F&G r.24AJ(1)].

Conditions Imposed:

The decision:

1. In accordance with s.5.43, to establish panels of pre-qualified suppliers may only be where the total consideration under the resulting contract is \$250,000 or less and the expense is included in the adopted Annual Budget.
2. To accept an application to join a panel of pre-qualified supplier must relate to goods or services that are subject to a specific budget expenditure authorisation or other express written authority of the Council.
3. Must be based upon a proper, fair and impartial public tender process that only considers applications to join a panel of pre-qualified suppliers that comply with all relevant requirements on opening.
4. Must be based upon the best value for money proposal that has been assessed by a proper and accountable assessment process.
5. Must be based upon full compliance with *Local Government (Functions and General) Regulations 1996* Part 4 Divisions 2 and 3, any relevant written law, Council policy or procedures.

Deleted: 1

Sub-delegation Permitted Yes

CEO sub-delegates the following functions to:

Director Corporate Services (functions 1 - 7)
Director Development & Community (functions 2, 5, 6, 7)
Director Infrastructure (functions 2, 5, 6, 7)

Additional Conditions Imposed on Sub-delegates:

The decision, in accordance with s.5.43, to establish panels of pre-qualified suppliers may only be where the total consideration under the resulting contract is \$99,999 or less and the expense is included in the adopted Annual Budget.

Record requirements Documentation to be recorded to LEG256 and relevant tender file.
Monthly Information Bulletin report be recorded to ARE02 (Delegations of Authority Register).

Reporting requirements Report to Council for applications exceeding \$250,000 and entry in the Tender Register in accordance with Regulations 17 and 24AG of the *Local Government (Functions and General) Regulations 1996*.

Deleted: 1

Details to be captured in the appropriate record and updated in the Procurement Register.

BUILDING ACT 2011

BA1 Administering the *Building Act 2011*

Head of Power *Building Act 2011 (section 127)*

Power/Duty Delegated

Instrument	<i>Building Act 2011 and Building Regulations 2012</i>
Part	Part 2, Part 4, Part 8
Division	
Sections of Building Act	18, 20, 21, 22, 23, 24, 27, 55, 58, 62, 65, 88, 96, 97, 98, 110, 111, 114, 117, 118, 119, 127, 128, 129, 130, 131, 132, 133, 145A.
Regulations in Building Regulation	23, 24, 26, 40, 51, 53, 61.
Local Law	
Relevant Policies	

Previous Delegation # N/A

Detail of delegation

The Council delegates authority to the Chief Executive Officer to perform the functions in relation to the administration of the *Building Act 2011* including to:

- s18 – require an applicant, for a building permit, to give any document or information that it requires to determine the application, require an applicant to verify the information by statutory declaration and refuse to consider an application if the applicant does not comply with a requirement.
- s20 – grant a building permit if satisfied with the specified matters.
- s21 – grant a demolition permit if satisfied with the specified matters.
- s22 – refuse to grant a building permit or demolition permit in the specified circumstances.
- s23 – decide whether or not to grant the building permit in the specified timeframes, or outside those timeframes.
- s24 – record the grounds on which a decision is based and provide written notice of the decision.
- s27 - impose conditions on a building permit or a demolition permit, vary or revoke any conditions imposed and provide notice of the variation or revocation of a condition.
- s55 - require an applicant, for an occupancy permit or building approval certificates, to give any document or information that it requires to determine the application, require an applicant to verify the information by statutory declaration and refuse to consider an application if the applicant does not comply with a requirement.
- s58 – grant or modify an occupancy permit or a building approval certificate if satisfied with the specified matters, and refuse to grant or modify the occupancy permit or the

building approval certificate if there is an error in the information or document provided for the application.

- s59 – decide whether or not to grant the occupancy permit or building approval certificate in the specified timeframes, or outside those timeframes.
- s60 – record the grounds on which a decision is based and provide written notice of the decision.
- s62 – impose conditions on an occupancy permit or building approval certificate, vary or revoke any conditions imposed and provide notice of the variation or revocation of a condition.
- s65 – extend the period in which an occupancy permit or a building approval certificate has effect.
- s88 – specify the way in which an outward facing side of a particular close wall must be finished in the specified circumstances.
- s96 – designate a person employed by the local government under the Local Government Act 1995 section 5.36, as an authorised person in relation to buildings and incidental structures located, or proposed to be located, in the district of the local government.
- s97 – give an identity card to each person designated as an authorised person.
- s98 – revoke or vary a condition of designation.
- s110 – make a building order in the specified circumstances and as specified.
- s111 – issue notice of a proposed building order and consider any submissions received.
- s114 – serve a copy of the order on each person to whom the order is directed.
- s117(1) - revoke a building order and serve notice of the revocation on each person to whom the notice is directed.
- s117(2) – decide whether a building order has been fully complied with and either revoke a building order or inform each person to whom the building order is directed that it remains in effect.
- s118(2) – cause an authorised person to take any action specified in a building order or commence, complete any work specified in the order or take steps to cause action to cease.
- s118(3) – in a court of competent jurisdiction, seek to recover as a debt from a person who has been served with a copy of a building order the costs and expenses incurred in acting under subsection (2).
- s127 – delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO.
- s128 - keep a register of all building permits, demolition permits, occupancy permits and building approval certificates granted and building orders made.
- s129 – make the register available for inspection and provide copies of building permits, demolition permits, occupancy permits, building approval certificates or building orders.
- s130 – keep copies of the prescribed documents.
- s131 – allow an interested person to inspect a building record or provide an interested person with a copy of a building records.
- s132 – give the Building Commissioner prescribed information for inclusion in the annual report or as requested.
- s133 – commence a prosecution for an offence against the Act.

- s145A – refer an uncertified application to a building surveyor who is not employed by the local government and issue a certificate for a building or structure in the specified circumstances.

The Council delegates authority to the Chief Executive Officer to perform the functions in relation to the administration of the *Building Regulations 2012* including to:

- r23 – refuse to accept an application to extend the time during which the permit has effect after the expiry date for the permit in the specified circumstances.
- r24 – extend the time during which a permit has effect in the specified circumstances.
- r26 – approve a new person to be named as the builder on a building permit or the demolition contractor on the demolition permit and amend the permit details accordingly.
- r40 – refuse to accept an application for the extension of the period of duration after the expiry day for an occupancy permit or building approval certificate in the specified circumstances and to record the decision.
- r51 – approve alternative requirements in relation to a pool fence, barrier or gate.
- r53 – arrange for an authorised person to inspect a pool enclosure.
- r61 – approve the use of a battery powered smoke alarm.
- r70 – appoint approved officers and authorised officers for the purposes of the *Criminal Procedure Act 2004* and issue a certificate of appointment.

Conditions Imposed

Delegation to be in writing, any sub-delegation to be in writing and reviewed every financial year.

Sub-delegation Permitted: Yes, with the exception of sections 96, 97, 98 and 127 of the Building Act and regulation 70 of the Building Regulation.

Sub-delegated to:

Director Development and Community:

- Building Act – sections 18, 20, 21, 22, 23, 24, 27, 55, 58, 59, 60, 62, 65, 88, 110, 111, 114, 117, 118, 119, 128, 129, 130, 131, 132, 133 and 145A.
- Building Regulations – regulations 23, 24, 26, 40, 51, 53, and 61.

Manager Planning & Building Services:

- Building Act – sections 18, 20, 21, 22, 23, 24, 27, 55, 58, 59, 60, 62, 65, 88, 110, 111, 114, 117, 118, 119, 128, 129, 130, 131, 132, 133 and 145A.
- Building Regulations – regulations 23, 24, 26, 40, 51, 53, and 61.

Building Surveyor:

- Building Act – sections 18, 20, 21, 22, 23, 24, 27, 55, 58, 59, 60, 62, 65, 88, 110, 111, 114, 117, 118, 119, 128, 129, 130, 131, 132, 133 and 145A.
- Building Regulations – regulations 23, 24, 26, 40, 51, 53, and 61.

Record requirements Documentation to be recorded to the relevant file.

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02 (Delegations of Authority Register).

BA2 Encroachment, Access and Works on Shire Owned or Managed Land

Head of Power *Building Act 2011 (section 127)*

Power/Duty Delegated

Instrument	Building Act 2011
Part	Part 6
Division	
Section	Sections 76, 77, 78, 79, 80, 81, 82
Sub section	
Local Law	Nil
Relevant Policies	

Previous Delegation # N/A

Detail of delegation

The Chief Executive Officer is delegated authority to:

- s76 – consent to the encroachment of part of a building or incidental structure onto Shire owned or managed land.
- s77 – consent to work adversely affecting Shire owned or managed land.
- s78 – consent to a temporary or permanent protection structure being placed onto Shire owned or managed land.
- s79 – consent to work being done that affects the structural, waterproofing, or noise insulation capacity of a party wall, a substantial dividing fence or a boundary retaining wall on Shire owned or managed land.
- s80 – consent to the removal of a fence, gate or other barrier on Shire owned or managed land.
- s81 – consent to a person accessing Shire owned or managed land to undertake work or conduct a survey.
- s82 – remove an encroaching building or structure or protection structure from Shire owned or managed land in the specified circumstances.

Conditions Imposed

Delegation to be in writing, any sub-delegation to be in writing and reviewed every financial year.

Sub-delegation Permitted: Yes

Sub-delegated to: Director Development and Community
Director Corporate Services
Director Infrastructure

Record requirements Documentation to be recorded to the property file

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02 (Delegations of Authority Register).

BA3 Seeking Consent to Affect Other Land

Head of Power *Building Act 2011 (section 127)*

Power/Duty Delegated

Instrument	<i>Building Act 2011</i>
Part	Part 6
Division	
Section	Sections 84, 85, 86
Sub section	
Local Law	Nil
Relevant Policies	

Previous Delegation # N/A

Detail of delegation

The Chief Executive Officer is delegated authority to:

- s84 – give notice of a notifiable event to each owner of affected land.
- s85 – provide notice in the prescribed way, request that a survey of the affected land be conducted and seek consent from each owner of affected land for access to the affected land for the survey.
- s86 – seek orders from the Magistrates Court if consent is not provided and provide a copy of the order to the person affected by the order if the order is made in their absence.

Conditions Imposed

Delegation to be in writing, any sub-delegation to be in writing and reviewed every financial year.

Sub-delegation Permitted: Yes

Sub-delegated to: Director Development and Community
Director Corporate Services
Director Infrastructure

Record requirements Documentation to be recorded to property file.

Reporting requirements To be reported monthly in the Information Bulletin with a copy of the report to be recorded to file ARE02 (Delegations of Authority Register).

BUSH FIRES ACT 1954

BFA1 Administering the *Bush Fires Act 1954*

Head of Power *Bush Fires Act 1954 (Section 48)*

Power/Duty Delegated

Part	
Division	
Section	13,17,18,23, 24, 24F, 24G, 25, 25A, 27, 27D, 33, 34,36, 37, 38, 38A, 40, 41, 42, 46, 50, 52, 58, 59, 59A, 60, 67, 68
Sub section	
Local Law	Bush Fire Brigades Local Law 2003
Relevant Policies	

Previous Delegation # N/A

Detail of delegation

The Council delegates authority to the Chief Executive Officer to perform the functions in relation to the administration of the *Bush Fires Act 1954* including the following:

- s13(4) - request the Fire Emergency Services (FES) commissioner to transfer control of a bushfire burning within the district, in accordance with section 13(4).
- s17(7) - shorten, extend, suspend or reimpose the prohibited burning times by no more than 14 days.
- s17(8) - notify adjoining local governments, the FES commissioner and any other government department or instrumentality of any variation to prohibited burning times.
- s18(5) - shorten, extend, suspend or reimpose the restricted burning times by no more than 14 days.
- s18(11) - request a person who has started a fire that has escaped the land, or in the opinion of a bush fire control officer is out of control, to pay the expenses incurred by it in preventing the extension of the fire.
- s23(2)(a)(i) - issue a permit in writing to a owner or occupier of land for burning during prohibited burning times.
- s 24 - issue a permit to burn for the purposes of harvesting subterranean clover during prohibited burning times.
- s 24B - require production of a permit to burn.
- s 24F - issue written permission for garden refuse to be burned in an incinerator located within 2m of any building or fence, during limited burning times.
- s 24G(2) - publish a notice in the *Gazette* and local newspaper further restricting or prohibiting the burning of garden refuse within the district in addition to the restrictions imposed by limited burning times.
- s24G(5) - vary or cancel a notice issued further restricting or prohibiting the burning of garden refuse within the district in addition to the restrictions imposed by limited burning times, by publishing a further notice.
- s25(1)(a) - approve in writing the lighting of a fire for the purposes of camping or cooking during periods of catastrophic, extreme, severe or very high forecast fire dangers.

- s25(1)(b) - approve in writing the lighting of a fire for the purposes of the conversion of bush into charcoal, or a lime kiln for the production of lime.
- s25(1aa)(b)(i) - set aside an area for the purposes of using a gas appliance for the purpose of camping or cooking bearing a sign denoting that purpose.
- s25(1a) - publish or vary a notice in the Gazette and in a local newspaper prohibiting the lighting of fires for the purposes of camping or cooking in the open air within the district during specified prohibited burning times.
- s25A(5) - serve a notice in writing on a person holding an exemption from burning during a prohibited period, prohibiting them from lighting a fire to which the exemption relates.
- s27(2) - permit the use of tractors in orchards that are not fitted with vertical exhaust pipes during restricted or prohibited burning times.
- s27(3) - prohibit the operation of any tractor or self propelled harvester not fitted with a fire extinguisher by a notice published in a newspaper circulating and a radio station broadcasting within the district.
- s27(4)(b) - vary or cancel a notice prohibiting the operation of any tractor or self propelled harvester not fitted with a fire extinguisher.
- s27D(2)(b) - set the requirements of the local government for the carriage in a motor vehicle of incendiary material, in accordance with section 27D.
- s27D(3)(b) - set the requirements of the local government for the deposit of incendiary material on any land.
- s33(1) - publish or vary a notice in the *Government Gazette* and local newspaper requiring landowners or occupiers to take measures to prevent the outbreak or extension of bushfires within a specified time.
- s33(1) - give notice in writing to an owner or occupier of land situated within the district to take measures to prevent the outbreak or extension of bushfires within a specified time.
- s33(4)(a) - direct a bushfire control officer or any other officer of the local government to enter upon the land of the owner or occupier in order to carry out the requirements of a notice using such resources as he sees fit.
- s33(5)(a) - ascertain and fix the costs incurred in order for the local government to carry out the requirements of a notice issued under section 33 in order to give them to the owner or occupier of the land.
- s33(6) - at the request and expense of the landowner or occupier, authorise any such works for the removal or abatement of a fire danger.
- s33(6) - recover a debt due from a landowner or occupier in respect to any works carried out.
- s34(1a)(a) - consult with a person, body or government department responsible for the care, control and management of a crown reserve within the district.
- s36(a) - purchase and maintain appliances, equipment and apparatus for the prevention, control and extinguishment of bushfires.
- s36(b) - clear a street, road or reserve vested in the local government of bush and other inflammable material for the purpose of preventing the occurrence or spread of a bushfire.
- s36(d) - establish and maintain bushfire brigades for the prevention control and extinguishment of bush fires.
- s36(e) - pay the owner or hirer of any vehicle used to control or extinguish a bushfire, in respect to damage done to a tyre of that vehicle.
- s36(f) - assist the occupier of farm lands within the district to acquire appliances, equipment and apparatus for the prevention, control and extinguishment of bushfires.
- s37(1)(a) - obtain and keep current a policy of insurance that insures volunteer fire fighters for compensation relating to injury caused to them while they are engaged in normal brigade activities.

- s37(1)(b) - obtain and keep current a policy of insurance that insures against loss or damage to all appliances, equipment and apparatus including privately owned appliances, equipment that is used under the direction of a bushfire control officer, or an officer or member of a bushfire brigade for the purposes of the Act.
- s38(1) - appoint such persons as required to act as bushfire control officers on behalf of the local government including, but not limited to, a chief and deputy chief bushfire control officer.
- s38(5A) - issue directions to a bushfire control officer appointed by the local government, or to an officer of a bushfire brigade registered by the local government, to burn bush on, or at the margins of streets, roads, and ways under the care, control, and management of the local government.
- s38A(1) - request the FES Commissioner to designate a person employed by the department as Chief Bush Fire Control Officer.
- s40(1) - join with other local governments to appoint, employ and remunerate bushfire control officers.
- s41(1) - establish and maintain bushfire brigades in accordance with local laws made for the purpose for the prevention control and extinguishment of bush fires.
- s41(2) - keep, maintain or cancel a register of bush fire brigades and their members.
- s41(2a) - notify the FES Commissioner of any changes to the register of bushfire brigades and their members.
- s42(1) - join with other local governments to establish, maintain, and equip with appliances, equipment and apparatus to act as a bush fire brigade.
- s46(1A)(a) - prohibit or postpone the lighting of a fire where, if lit, it would be, or become a source of danger by escaping from the land.
- s46(1A)(b) - direct that all reasonable steps be taken to extinguish a fire that is burning on land if it is in danger of escaping from that land.
- s46(3) - refund any fees paid to the local government in respect to an application for a permit to set fire to the bush if the local government if the applicant is precluded from using the permit and it becomes useless to him.
- s50(1)(a) - maintain records of all the bushfire control officers appointed by the local government.
- s50(1)(c) - maintain records of the particulars, nature, quantity and quality of the bush fire fighting equipment and appliances that are generally available within the district.
- s52(1) - apply to the Minister to have the district or part of it declared as an approved area.
- s58(3)(a) - recover the amount of the expense incurred by a person acting under the provisions of the Act, from a person committing an offence against the Act as a debt due in a court of competent jurisdiction.
- s59(1) - institute and carry on proceedings against a person for an offence alleged to be committed against the Act.
- s59(2) - reimburse a person instituting and carrying on proceedings against a person for an offence alleged to be committed against the Act, all costs and expenses that he may incur, or be put to in or about the proceedings.
- s59A(2) - serve a notice to a person, informing him that if he does not wish to be prosecuted for an alleged offence in a court, he may pay to an officer specified in the notice, within the time therein specified, the amount of the penalty prescribed for the offence.
- s67(1) - appoint persons as seen fit to act as a bush fire advisory committee.
- s67(3) - fix the quorum for the transaction of business at meetings of the bush fire advisory committee meetings.
- s67(3)(a) - make rules for the guidance of the bush fire advisory committee.
- s67(3)(b) - accept the resignation in writing of, or remove any member of the bush fire advisory committee.

- s67(3)(c) - appoint a person to fill any vacancy in the office of a member of the bush fire advisory committee.
- s68(1) - make an agreement with other local governments to join in appointing a regional bush fire advisory committee.

The Council delegates authority to the Director Development and Community, Manager Health, Emergency & Rangers and Coordinator Rangers to perform the functions in relation to the administration of the *Bush Fires Act 1954* including the following:

- s59(1) - institute and carry on proceedings against a person for an offence alleged to be committed against the Act; and
- s59A(2) - serve a notice to a person, informing him that if he does not wish to be prosecuted for an alleged offence in a court, he may pay to an officer specified in the notice, within the time therein specified, the amount of the penalty prescribed for the offence.

Conditions Imposed

The power to institute and carry on proceedings under section 59(1) delegated to the Director Development Services, Manager Health, Emergency & Rangers and Coordinator Rangers can only be exercised with prior approval from the Chief Executive Officer or Council.

Sub-delegation Permitted: No

Sub-delegated to: Nil

Record requirements Documentation to be recorded to file LAW003.1 (Firebreak Infringements & Prosecutions).

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02 (Delegations of Authority Register).

CARAVAN PARKS AND CAMPING ACT 1995

**CPCA1 Administering the *Caravan Parks and Camping Act*
1995**

(Withdrawn OMC 28 September 2017 – Item 9.4.3)

CAT ACT 2011

CA1 Administering the *Cat Act 2011*

Power/Duty Delegated [Cat Act 2011 \(section 44 & 45\)](#)

Part	2 Registration, identification and sterilisation of cats 3 Management of cats 4 Administration and enforcement
Division	1 Registration and tagging 1 Cat control notices 4 Breeding of cats 3 Authorised persons 4 Infringement notices
Section	s.9 Registration. s.10 Cancellation of registration. s.11 Registration numbers, certificates and tags. s.26 Cat control notice may be given to cat owner. s.37 Approval to breed cats. s.38 Cancellation of approval to breed cats. s.39 Certificate to be given to approved cat breeder s.48 Authorised persons s.49 Authorised person may cause a cat to be destroyed s.64 Extension of time s.65 Withdrawal of notice
Regulations	<i>Cat Regulations 2012:</i> Schedule 3, cl.1(4) Fees Payable <i>Cat (Uniform Local Provisions) Regulations 2013:</i> r.8 Application to keep additional number of cats. r.9 Grant of approval to keep additional number of cats.
Local Law	
Relevant Policies	

Deleted: 4

Deleted: 2

Deleted: s.44 - Delegation by local government

Deleted: Sub section

Deleted: *Cat Act 2011:*
 s.9 Registration.
 s.10 Cancellation of registration.
 s.11 Registration numbers, certificates and tags.
 s.26 Cat control notice may be given to cat owner.
 s.37 Approval to breed cats.
 s.38 Cancellation of approval to breed cats.
 s.39 Certificate to be given to approved cat breeder.
 s.48 Authority to appoint authorised persons by issuing a certificate of authorisation.
 s.64 Extension of time
 s.65 Withdrawal of notice

Previous Delegation #N/A





Detail of delegation

The Council pursuant to section 44 of the *Cat Act 2011* (the Act) delegates authority to the Chief Executive Officer the exercise of its powers or the discharge of any of its duties including but not limited to the following:

- [s.9\(1\)](#) Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration.
- [s.9\(6\)](#) - 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.

Deleted: *<#>s.3* – A local government may approve in writing an operator of a cat management facility.
<#>s.8(2) - Receive applications for the grant or renewal of the registration of a cat

Deleted: *<#>s.9(5)* - require an applicant for cat registration to give any document or information required to determine the application within a specified time of not more than 21 days.

- s.10 – Authority to cancel a cat registration.
- s.11(2) - Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed.
- 
- 
- s.26 - Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire of Broome's District.
- 
- s.37(1) and (2) - Authority to grant or refuse to grant approval or renew an approval to breed cats.
- s.37(3) - Require an applicant for approval to breed cats, to give any document or information required to determine the application within a specified time of not more than 21 days.
- s.37(4) - Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application.
- s.38 – Authority to cancel an approval to breed cats.
- 
- s.39(2) - Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed.
- s.40 - Give notice in writing of any decision made in relation to an approval to breed cats.
- s.42 - Do all things necessary or convenient to be done for, or in connection with performing functions of the Act.
- s.48 - Authority to appoint authorised persons by issuing a certificate of authorisation.
- s.49(3) - Recover the reasonable costs associated with the destruction and disposal of a cat.
- s.64 - Authority to extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed.
- s.65 - Authority, within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice.
- Regs. Sch. 3 cl.1(4) - 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 Broome's District.
- r.8(3) - Authority to require any document or additional information required to determine an application.
- r.8(4) - Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application.
- r.9 - Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats.

Deleted: s.12 - Maintain and update a register of cats.

Deleted: s.13 - Give notice in writing, within 7 days, of any decision made by the local government in relation to the registration or tagging of a cat, informing them of the reasons for the decision and the right to apply for a review of the decision

Deleted: s.36 - Receive applications for the approval, or renewal of approval to breed

Deleted: s.39(1) - Issue a certificate of approval to an applicant approved to breed cats.

Deleted: ~~s.73~~ - Commence prosecutions for offences under the *Cat Act 2011* and local laws. ¶
~~s.77~~ - Administer regulations made as if they were a local law. ¶

Conditions Imposed

Delegation to be in writing, any sub-delegation to be in writing and reviewed every financial year.

Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the *Cat Act 2011* [and r.11 of the *Cat \(Uniform Local Provisions\) Regulations 2013*](#).

Sub-delegation Permitted: *Cat Act 2011*: s45 Delegation by CEO of local government.

Sub-delegated to:

Director Development and Community:

[s.9\(1\)](#), [s.10](#), [s.26](#), [s.37\(1\)\(a\)\(b\)](#), [s.37\(3\)](#), [s.37\(4\)](#), [s.38](#), [s.39\(2\)](#), [s.42](#) and [s.49\(3\)](#),

Manager Health, Emergency [and](#) Ranger Services:

[s.9\(1\)](#), [s.10](#), [s.11\(2\)](#), [s.26](#), [s.37\(1\)\(a\)\(b\)](#), [s.37\(3\)](#), [s.37\(4\)](#), [s.38](#), [s.39\(2\)](#), [s.42](#) and [s.49\(3\)](#),

Ranger Coordinator: [s.9\(1\)](#), [s.10](#), [s.11\(2\)](#), [s.26](#), [s.37\(1\)\(a\)\(b\)](#), [s.37\(3\)](#), [s.37\(4\)](#), [s.38](#), [s.39\(2\)](#), [s.42](#), and [s.49\(3\)](#)

Rangers: [s.9\(1\)](#), [s.11\(2\)](#), [s.39\(2\)](#) and [s.42](#),

Customer Service Officers: [s.9\(1\)](#), [s.11\(2\)](#), [s.39\(2\)](#) and [s.42](#),

Record requirements Documentation to be recorded as per Shire protocols.

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02 (Delegations of Authority Register).

- Deleted: s.8(2),
- Deleted: a), s.9(1)(b),
- Deleted: s.9(5),
- Deleted: s.13,
- Deleted: s.40,
- Deleted: ,
- Deleted: , s.64, s.65, s.73, and s.77
- Deleted: &
- Deleted: s.8(2),
- Deleted: (a), s.9(1)(b),
- Deleted: s.9(5),
- Deleted: s.13,
- Deleted: s.40,
- Deleted: ,
- Deleted: , s.64, s.65, and s.77 ¶
- Deleted: s.8(2),
- Deleted: (a), s.9(1)(b), s.9(5),
- Deleted: s.77
- Deleted: s.8(2),
- Deleted: (a), s.9(1)(b), s.9(5), s.11(1)(a)(b)(c),
- Deleted: s.12,
- Deleted: and s.77 ¶
- Deleted: s.8(2),
- Deleted: (a), s.9(1)(b), s.9(5), s.11(1)(a)(b)(c),
- Deleted: s.12,
- Deleted: and s.77

CONTROL OF VEHICLES (OFF ROAD AREAS) ACT 1978

CVA1 Vehicular Access to Prohibited Areas of Cable Beach

Head of Power *Control of Vehicles (Off Road Areas) Act 1978*

Power/Duty Delegated

Part	
Division	
Section	4A Delegation by Director General 6 Driving and using of off road vehicles, offences
Sub section	
Local Law	Local Government Property and Public Places 2016
Relevant Policies	4.2.5 Traffic Management For Events 3.3.6 Trading In Public Places 3.4.7 Events

Previous Delegation # D.84

Detail of delegation

In accordance with the exemption notice published in the Government Gazette No 131 on the 26 July 2013, the Chief Executive Officer is delegated authority to approve vehicular access to the prohibited areas of Cable Beach.

Conditions Imposed

Nil

Sub-delegation Permitted No

Sub-delegated to N/A

Record requirements Documentation to be recorded to the relevant file LAW005.

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02 (Delegations of Authority Register).

DOG ACT 1976

DA1 Administering the Dog Act 1976

Head of Power *Dog Act 1976* (Section 10AA)

Power/Duty Delegated

Part	I Preliminary II Administration III Registration and identification IV The keeping of dogs
Division	1 Registration
Section / Subsection	s.3 Terms used (refer definition of Registration Officer) s.10A Payments to veterinary surgeons towards costs of sterilisation. s.11(1) Staff and services. s.15 (4A) Registration periods and fees. s.16(3) Registration procedure. s.17A(2) If no application for registration made. s.17(4) and (6) Refusal or cancellation of registration. s.27 Licensing of approved kennel establishments. s.29(1) s.29(5) Power to seize dogs. s.29(11) Power to seize dogs. s.33E(1) Individual dog may be declared to be dangerous dog (declared). s.33F(6) Owners to be notified of making of declaration s.33G(4) Seizure and destruction s.33H(1) Local government may revoke declaration or proposal to destroy

Deleted: II

Deleted: N/A

Deleted: s.10AA Delegation of local government powers and duties.

Local Law	Dogs Local Law 2012
Relevant Policies	3.3.8 Keeping of 3-6 Dogs

Previous Delegation # D.90

Detail of delegation

The Council pursuant to section 10AA of the *Dog Act 1976* (the Act) delegates authority to the Chief Executive Officer to perform the powers or duties of the local government in the Act, including, but not limited to the following:

- s.3 - Authority to appoint Registration Officers to exercise the powers and duties conferred on a Registration Officer by this Act.
- s.10A(1)(a) and (3) - Authority to determine where a resident who is the owner of a registered dog, would suffer hardship in paying the whole of the cost of sterilisation and determine to pay part of such costs to a maximum value of \$210.

Deleted: Sub section

Deleted: Dog Act 1976:¶
s.3 Terms used (refer definition of Registration Officer)¶
s.10A Payments to veterinary surgeons towards costs of sterilisation.¶
s.11(1) Staff and services.¶
s.15(2) and (4A) Registration periods and fees.¶
s.16(3) Registration procedure.¶
s.17A(2) If no application for registration made.¶
s.17(4) and (6) Refusal or cancellation of registration.¶
s.27 Licensing of approved kennel establishments.¶
s.29(1) ¶
s.29(5) Power to seize dogs. ¶
s.29(11) Power to seize dogs.¶
s.33E(1) Individual dog may be declared to be dangerous dog (declared).¶
s.33F(6) Owners to be notified of making of declaration¶
s.33G(4) Seizure and destruction¶
s.33H(1) Local government may revoke declaration or proposal

- s.10A(1)(b) and (2) - Authority to give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation.
- [S.10AA\(3\) – Authority to further delegate a power or duty under this Act.](#)
- s.11(1) - Authority to appoint authorised persons to exercise the powers conferred on an authorised person by this Act.
- [s.15\(4A\) - Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire of Broome's District.](#)
- [s.16\(2\) – Authority to determine to refuse a dog registration and refund the fee, if any.](#)
- [s.16\(3\) and s.17A\(2\) - Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where:](#)
 - the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the Cat Act 2011 or the Animal Welfare Act 2002; or
 - the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or
 - the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept
 - the dog is required to be microchipped but is not microchipped; or
 - the dog is a dangerous dog.
- s.17(4) - Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed.
- s.17(6) - Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had been found in contravention of section 31, 32 or 33A and had not been claimed.
- [s.26\(3\) - Grant approval for the keeping of three \(3\) dogs.](#)
- s.27(4) and (6) - Authority to grant, refuse to grant or cancel a kennel licence.
- s.29(1) - Authority to appoint authorised persons to exercise the powers conferred on an authorised person by this Act.
- s.29(5) - Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable.
- s.29(11) - Authority to dispose of or sell a dog which is liable to be destroyed.
- s.33E(1) - Authority to declare an individual dog to be a dangerous dog.
- [s.33F\(6\) - Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog.](#)
- [s.33G\(4\) - Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog.](#)
- s.33H(1) - Authority to revoke a declaration of a dangerous dog or notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act.
- s.33H(2) - Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog.
- [s.33H\(5\) - Consider an application for the revocation of a dangerous dog declaration and give a determination stating the reasons to the owner within 35 days of the receipt of the objection.](#)

Deleted: <#>s.14(1) - Maintain an accurate and up to date register of dogs registered by the local government. ¶

Deleted: <#>s.16(1) - Register a dog that is ordinarily kept within the district upon receipt of a fee and application form signed by or on behalf of the owner. ¶

Deleted: <#>s.16(4) – Notify the applicant or the person in whose name the registration was effected. ¶
<#>s.16AA(2) - Deal with a person over the age of 18 nominated in writing by the registered owner of a dog to be their delegate

Deleted: <#>s.16A(1) - Change the ownership of a dog other than a declared dangerous dog within 28 days of the receipt of written notification. ¶

Deleted: <#>s.19 - Provide a refund of registration fees upon the cancellation of the registration of a dog and the return of its registration tag. ¶

Deleted: <#>s.33F(1) - Notify the owner in writing that their dog has been declared dangerous, giving reasons for the making of the declaration and outlining that a written objection may be raised within 7 days with the local government or the State Administrative Tribunal. ¶

Deleted: <#>s.33G(2) - Give notice in writing to the owner of a seized declared dangerous dog, informing them of the seizure, place of detention, reasons for the seizure, intention to destroy, and right to raise an objection, where and as soon as that is practicable. ¶
<#>s.33G(3) - Detain any seized, declared dangerous dog until; any objection that is received has been considered, the time for making an application to the State Administrative Tribunal has passed, or if an application is made, that it has been determined in accordance with section 33G(3). ¶

Deleted: <#>s.33H(3) - Give notice in writing to the owner of a declared dangerous dog outlining the outcome of any application made seeking to revoke the declaration, and the reasons associated with the decision. ¶

- s.33M(1)(a) - Require the owner of a declared dangerous dog to pay a reasonable charge in regard to the expense incurred by the local government in making enquiries, investigations and inspections concerning the behaviour and containment of that dog, in addition to, and at the time of, payment of the registration fee.
- s.39(1) - Apply to the Magistrates court seeking the destruction of an attack dog shown on the balance of probabilities to have caused injury or damage.

Conditions Imposed

The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.

Delegation to be in writing, any sub-delegation to be in writing and reviewed every financial year.

Sub-delegation Permitted: s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-delegated to:

Director Development and Community:

s.10A, s.11(1), s.15(4A), s.16(2), s.16(3), ss.17A(2), s.17(4), s.17(6), s.26(3), s.27(4), s.29(1), s.33E(1), s.33F(6), s.33G(4), s.33H(1), s.33H(2), s.33H(5), s.33M(1)(a), s.39(1),

Manager Health, Emergency and Ranger Services:

s.10A, s.15(4A), s.16(2), s.16(3), s.17A(2), s.17(4), s.17(6), s.26(3), s.27(4), s.33E(1), s.33F(6), s.33G(4), s.33H(1), s.33H(2), s.33H(5), s.33M(1)(a), s.39(1),

Ranger Coordinator: s.10A, s.15(4A), s.16(2), s.16(3), s.17A(2), s.17(4), s.17(6), s.26(3), s.27(4), s.33E(1), s.33F(6), s.33G(4), s.33H(1), s.33H(2), s.33H(5), s.33M(1)(a), s.39(1),

Rangers:

Customer Service Officers:

Record requirements Documentation to be recorded to the relevant file.

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02 (Delegations of Authority Register).

Deleted: <#>s.44(2)(b) - Authorise an employee of the local government to take proceedings in the name of the local government under the *Dog Act 1976*. ¶
 <#>s.47(2) - Pay for the veterinary services provided in relation to a request from the local government. ¶
 <#>s.48(4) - Administer regulations made under the *Dog Act 1976* throughout the district as if they were a local law. ¶

Deleted: s.16(1),

Deleted: .16(4), s.16A(1),

Deleted: s.19,

Deleted: s.33F(1),

Deleted: s.33G(2), s.33G(3),

Deleted: (b), s.33G(6),

Deleted: s.33H(3),

Deleted: s.44(2)(b), s.47(2), s.48(4)

Deleted: s.16(1),

Deleted: s.16(4), s.16A(1),

Deleted: s.19,

Deleted: s.33F(1),

Deleted: s.33G(2), s.33G(3),

Deleted: (b), s.33G(6)

Deleted: s.33H(3),

Deleted: s.44(2)(b), s.47(2), s.48(4)¶

Deleted: s.16(1),

Deleted: s.16AA(2), s.16A(1),

Deleted: s.19,

Deleted: s.48(4)

Deleted: s 16(1), s.16AA(2), s.16A(1), s.19, s.33G(1), s.48(4)

Deleted: s.16(1), s.16AA(2), s.16A(1), s.19, s.33G(1), s.48(4)¶

FOOD ACT 2008

FA1 Administering the *Food Act 2008*

Head of Power *Food Act 2008, (Section 118)*

Power/Duty Delegated

Part	
Division	
Section	65,66,67,110,112,121, 122,123,126
Sub section	
Local Law	
Relevant Policies	

Previous Delegation # D.51

The Council delegates authority to the Chief Executive Officer to perform the functions in relation to the administration of the *Food Act 2008* including the following:

- s65 - issuance of 'prohibition notices'.
- s66 - clearing and removing 'prohibition notices'.
- s67 - provide written notification of a decision not to issue a certificate of clearance.
- s110 - grant or refuse the registration of a food business.
- s112 - vary conditions or cancel the registration of a food business.
- s121 - prepare and submit report to the CEO of the Department of Health.
- s122 - appoint authorised officers.
- s123 - issue certificates of authority to authorised officers.
- s126(13) - appoint designated officers to issue, extend payment periods, receive payments or withdraw infringement notices.

Conditions Imposed

Sub-delegation Permitted Yes

Sub-delegated to:

Director Development and Community, Manager Health, Emergency & Ranger Services, Coordinator Environmental Health:

s65, s66, s67, s110, s112, s121

Record requirements Documentation to be recorded to the relevant food premises and/or property or reserve file and where relevant on the staff member's personnel file.

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02 (Delegations of Authority Register).

HEALTH ACT 1911

HA1 *Health (Miscellaneous Provisions) Act 1911 – Appointment of Deputy to Meet Functions and Responsibilities of the Act*

Head of Power *Health (Miscellaneous Provisions) Act 1911*

Power/Duty Delegated

Part	Part II
Division	Division 2 — Local governments
Section	26
Sub section	
Local Law	Health Local Law 2006
Relevant Policies	

Previous Delegation # D.91

Detail of delegation

The Chief Executive Officer is delegated the power under to s26 - to appoint deputies to carry out the exercise and discharge all or any of the powers and functions of the local government.

Conditions Imposed Nil

Sub-delegation Permitted: Nil

Sub-delegated to: N/A

Record requirements Documentation to be recorded to the staff member's personnel file. To be recorded on the Authorised Persons Register.

Reporting requirements To be reported monthly in the Information Bulletin with a copy of the report to be recorded to file ARE02 (Delegations of Authority Register).

LIQUOR CONTROL ACT 1988

**LCA1 *Liquor Control Act 1988* – Certificate of Local
Government as to whether premises comply with
Laws (Health and Building)**

(Withdrawn OMC 28 September 2017 – Item 9.4.3)

LCA2 Liquor Licensing Extended Trading Permits

(Withdrawn OMC 28 September 2017 – Item 9.4.3)

PUBLIC HEALTH ACT 2016

PHA1 *Public Health Act 2016* – Appointment of Authorised Officers

Head of Power *Public Health Act 2016* [\(Section 21\)](#)

Power/Duty Delegated

Part	1
Division	3
Section	Section 24
Sub section	
Local Law	Health Local Law 2006 (or as amended)
Relevant Policies	

Deleted: s 21 and

Detail of delegation

The Chief Executive Officer is authorised to designate a person or class of persons as authorised officers under section 24 of the Act.

Conditions Imposed

Consideration must be given to any Department of Health guidelines or gazetted criteria for the appointment of authorised officers.

Record requirements Documentation to be recorded to the Authorised Officer's personnel file.

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02 (Delegations of Authority Register).

PLANNING AND DEVELOPMENT ACT 2005 & LOCAL PLANNING SCHEME NO 6

PLA1 Built Strata Certificate of Approval – Forms 24 & 26

Head of Power Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 cl.82

Power/Duty Delegated

Instrument	<i>Strata Titles Act 1985</i>
Part	2 Strata Schemes and Survey Strata Schemes
Division	3 Creation of lots and common property
Section	24, 25 Certificate of Commission
Sub section	Nil
Local Law	Nil
Relevant Policies	Nil

Previous Delegation # D.16

Detail of delegation

The Chief Executive Officer is delegated authority under the *Strata Title Act 1985* to issue a preliminary approval strata plan (Form 24) and certificate of approval (Form 26).

Conditions Imposed

Any applications are to determined be in accordance with Local Planning Scheme No 6.

Sub-delegation Permitted Yes

Sub-delegated to Director Development and Community
Manager Planning & Building Services

Record requirements Documentation to be recorded to the relevant property or strata subdivision file.

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02.

PLA2 Certifying Premises Complies with Planning Laws

(Withdrawn OMC 14 December 2017 – Item 9.4.4)

PLA3 Certifying Premises Complies with Planning Laws – Motor Vehicles

(Withdrawn OMC 14 December 2017 – Item 9.4.4)

PLA4 Delegation to Waive/Refund Planning Fees

Head of Power *Planning and Development Act 2005 (s261)*

Power/Duty Delegated

Instrument	<i>Planning & Development Regulations 2009</i>
Part	7 - Local government planning charges
Division	2 - Fees and other charges
Section	52 – Local government may waive or refund fees
Sub section	Nil
Local Law	Nil
Relevant Policies	3.1.2 – Waiving and Refunding of Fees

Previous Delegation # D.24

Detail of delegation

The Chief Executive Officer is delegated the exercise of powers and discharge of duties under section 52 of the *Planning & Development Regulation 2009*; to waive or refund planning fees.

Conditions Imposed

Refunding of fees/waiver thereof must be in accordance with a Council adopted Policy and schedule of fees and charges.

Deleted: n

Sub-delegation Permitted Yes

Sub-delegated to Director of Development and Community
Manager Planning & Building Services

Record requirements Documentation to be recorded to the relevant property and/or subdivision file.

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02.

PLA5 Determine Development Application

Head of Power

Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2, cl.82

Deleted: Local Planning Scheme No 6 (Part 11 section 11.3)

Power/Duty Delegated

Instrument	Planning and Development (Local Planning Schemes) Regulations 2015 and Local Planning Scheme No 6
Part	2, 3, 4, 5
Division	Nil
Section	Nil
Clause	3.18, 3.23, 3.24, 4.3, 4.4, 4.7 – 4.22 and 5.2
Local Law	Nil
Relevant Policies	5.2 – Staff Accommodation in General Agriculture, Rural Small Holdings and Culture and Natural Resource Use Zones 5.3 – Miscellaneous Structures 5.4 – Heritage List– Development of Listed Places 5.5 – Transient Workers Accommodation 5.6 – Parking 5.7 – Development Standards for Development Applications 5.8 – Fences 5.9 – Development Approvals – Amendments/extensions to Term of Approval and Requests for Further Information 5.10 - Signs 5.11 – Telecommunications Infrastructure 5.12 – Provision of Public Art 5.13 – Design Guidelines –Town Centre Zone 5.14 – Public Consultation – Planning Matters 5.15 – Forms of Residential Accommodation other than a Single House 5.16 – Old Broome Development Strategy 5.17 – Caretakers Dwellings and Attached Offices in the Light and Service Industry Zone 5.18 – Bed and Breakfast Accommodation 5.19 – Strata Titling of Tourist Developments in the Tourist Zone 5.20 – Exempt Development 5.21 – Non-conforming Use Register
Instrument	<i>Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2, Deemed Provisions</i>
Part	7 – Requirement for development approval 8 – Applications for development approval 9 – procedure for dealing with applications for development approval
Division	Nil
Section	Nil
Clause	61, 63, 64, 65, 66, 67, 68, 71, 72, 73, 74, 77
Local Law	Nil
Relevant Policies	As above

Detail of delegation

Pursuant to clause 82 (1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulation 2015* (Deemed Provisions) the Chief Executive Officer is delegated the following powers and discharge of duties under the Deemed Provisions and Local Planning Scheme No 6 (LPS6):

- Make determinations on the sufficiency of information provided with applications for development approval pursuant to clause 63 of the Deemed Provisions.
- Advertise and provide notice of applications for development approval or consent pursuant to clause 64 of the Deemed Provisions.
- Determine applications pursuant to clause 68 of the Deemed Provisions of LPS6 for development approval or refusal including:
 - Any conditions to be imposed or reasons for refusal;
 - The period of validity; and
 - The scope of the development approval.
- Allow for the extension of the term of any development approval in accordance with clause 71 of the Deemed Provisions.
- Determine applications where variations to Development Requirements of LPS6 pursuant to clauses, 3.23 (Extension of Non-Conforming Use), 3.24 (Change of Non-Conforming Use), 4.3 (Special Application of the Residential Design Codes), 4.4 (Variation to Site and Development Requirements) including variations to Schedule 8 (Development Standards), 4.7 (Car Parking), 4.8 (Service Areas), 4.11 (Height of Buildings), 4.12 (Broomstyle Architecture), 4.13 (Inappropriate or incongruous development), 4.14 (Landscaping and Existing Trees) and 4.17 (Telecommunications infrastructure) are proposed.
- Any matter described in the Residential Design Codes including variations and determinations under design principles and clause 4.2 and 4.3 (Residential Design Codes) of LPS6.
- Prescribe, vary, specify and determine requirements, standards or limitations which may be prescribed, varied, specified or determined under the Scheme with respect to the use or development of land or buildings.
- Determine any works or uses that are temporary and in existence longer than 48 hours pursuant to clause 61 (1) (f) and 61 (2) (d) of the Deemed Provisions.
- Determine any amendment applications pursuant to clause 77 (Amending or cancelling development approval) of the Deemed Provisions.
- Determine any retrospective applications pursuant to clause 65 (Subsequent approval of development) of the Deemed Provisions.
- Make determinations to vary provisions pursuant to clause 12 of the Deemed Provisions to facilitate the conservation of a place entered in the Register of Places under the Heritage of Western Australia Act 1990 or Listed in the Heritage List under Clause 8 of the Deemed Provisions.
- Determining Applications in accordance with Structure Plans pursuant to clause 27 of the Deemed Provisions.
- In accordance with clause 75 (1) (c) of the Deemed Provisions agree to the extension of the Deemed Refusal time frame.
- Make any determination and exercise any discretionary powers contained in LPS6 and its Schedules and the Deemed Provisions.
- Determine the land use pursuant to clause 3.18 of LPS6.
- Determine development applications which modifies or varies a Local Development Plan pursuant to clause 56 of the Deemed Provisions.

Deleted: and 4.18 (Control of Advertisements)

Conditions Imposed

Authority only to be exercised following appropriate consideration of the matters listed in Clause 67 of the Deemed Provisions and:-

1. Required consultation has to be conducted, delegation can be exercised where concerns raised through consultation is not relevant planning consideration or where concerns can be addressed by way of conditions or mitigated design. Where concerns raised are relevant planning considerations that cannot be addressed or mitigated through conditions a report to Council shall be prepared.
2. Delegation can only be exercised to the extent that the Scheme or Council policy provides for variations, where variation to Council policy is proposed a report will be prepared to Council.

Sub-delegation Permitted Yes

Sub-delegated to Director of Development and Community
Manager Planning & Building Services

Record requirements Documentation to be recorded to the relevant property or reserve file.

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02.

PLA6 Gaming and Wagering, Applications & Renewals

(Withdrawn OMC 14 December 2017 – Item 9.4.4)

PLA7 Issue of Stop, Direction, Works Notices - Planning

Head of Power *Local Government Act 1995 (Section 5.42 & 5.44)*
Planning and Development Act 2005

Power/Duty Delegated

Instrument	<i>Planning and Development Act 2005</i>
Part	13– Enforcement and administration
Division	1 - Enforcement
Section	214
Sub section	Nil
Local Law	Nil
Relevant Policies	3.1.1 – Compliance and Enforcement

Previous Delegation # D.42

Detail of delegation

The Chief Executive Officer is delegated authority to:

1. Issue and/or withdraw a written direction to the owner or other person undertaking the development to stop and not recommence pursuant with Clause 214 (2) of the *Planning and Development Act 2005* (the Act)
2. Issue and/or withdraw a written direction to the owner or other person undertaking the development to remove, pull down, take up or alter the development and not recommence pursuant with Clause 214 (3) of the *Planning and Development Act 2005* (the Act)
3. Issue and/or withdraw a written direction to the owner or other person undertaking the development to execute works if it appears that delay in the execution of the works would prejudice the effective operation of Local Planning Scheme No 6 pursuant with Clause 214 (5) of the *Planning and Development Act 2005* (the Act)

for the purpose of ensuring the provisions of Local Planning Scheme No 6 are being observed.

Conditions Imposed

The Chief Executive Officer is to have regard to 3.1.1 – Compliance and Enforcement.

Sub-delegation Permitted: Yes

Sub-delegated to: Director Development and Community

Record requirements Documentation to be recorded to the relevant property or reserve file.

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02.

PLA8 Local Development Plans

Head of Power *Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 cl.82 and cl.84*

Power/Duty Delegated

Instrument	<i>Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2</i>
Part	6 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015
Division	Nil
Section	48, 49, 50, 51 & 52
Sub section	Nil
Local Law	Nil
Relevant Policies	Nil

Previous Delegation # N/A

Detail of delegation

Pursuant to Part 6 of Schedule 2 of *the Planning and Development (Local Planning Schemes) Regulations 2015*, the Chief Executive Officer is delegated the following powers and discharge of duties:

- Consider the material provided by the applicant and determine whether sufficient information is provided or if further information from the applicant is required before the local development plan can be accepted for assessment under clause 49 (1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- Determine under clause 50 (3) whether the local development plan is to be advertised.
- Consider submissions and take such actions as may be required under clause 51 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.
- Determine whether the local development plan is approved, is required to be modified or resubmitted or refused under clause 52 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Conditions Imposed

Authority only to be exercised following appropriate consideration of the matters listed under clause 48 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the local development plan is consistent with Local Planning Scheme No 6 and the Local Planning Strategy.

Authority to not advertise a local development plan can only be exercised where it can be demonstrated that it would not adversely affect the owners or occupiers within the area covered by the plan or an adjoining area.

Sub-delegation Permitted Yes

Sub-delegated to Director Development and Community

Record requirements Documentation to be recorded to the relevant property or subject file.

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02.

PLA9 Structure Plans

Head of Power *Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 cl.82 and cl.84*

Power/Duty Delegated

Instrument	<i>Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2</i>
Part	4 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015
Division	Nil
Section	16, 17, 18, 19
Sub section	Nil
Local Law	Nil
Relevant Policies	LPP 5.22 – Shire of Broome Structure Plan and Subdivision Standards

Previous Delegation # N/A

Detail of delegation

The Chief Executive Officer is delegated the following powers and discharge of duties:

1. Consider the material provided by the applicant and determine whether sufficient information is provided or if further information from the applicant is required before the structure plan can be accepted for assessment under clause 17 (1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Advertise the structure plan in accordance with clause 18 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
3. Consider submissions and take such actions as may be required under clause 19 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
4. Prepare a report on the proposed structure plan and provide it to the Western Australian Planning Commission in accordance with clause 20 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Conditions Imposed

Authority only to be exercised following appropriate consideration of the matters listed under clause 16 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the structure plan is consistent with Local Planning Scheme No 6 and the Local Planning Strategy.

Sub-delegation Permitted Yes

Sub-delegated to Director Development and Community
Manager Planning & Building Services (except the power outlined in item 4)

Record requirements Documentation to be recorded to the relevant property or subject file.

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02.

PLA10 Subdivision and Amalgamation Applications & Clearance

Head of Power **Planning & Development Act 2005**
Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 cl.82 and cl. 84

Power/Duty Delegated

Instrument	<i>Planning and Development Act 2005</i>
Part	10 – Subdivision and development control
Division	2 – Approval for subdivision and certain transactions
Section	142 - Consultation with local governments etc, as to proposed subdivision 145 – Approving a diagram or plan of survey of approval plan of subdivision
Sub section	
Local Law	Nil
Relevant Policies	LPP 5.22 – Shire of Broome Structure Plans and Subdivision Standards

Previous Delegation # D.76

Detail of delegation

The Chief Executive Officer is delegated authority to respond to the Western Australian Planning Commission (WAPC) regarding applications for subdivision or amalgamation or strata submissions and the clearance of any subdivision conditions imposed by the Western Australian Planning Commission.

Conditions Imposed

Authority to provide a response to the WAPC on an application for subdivision/amalgamation is to be exercised only when the response provided (either support with or without conditions or not to support) is consistent with an approved Structure Plan, Development Approval or the site and development requirements under Local Planning Scheme No 6 (LPS6) and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Authority to provide a response to the WAPC on a request for clearance of subdivision conditions is only to be exercised where the proponent has met with Council's requirements of subdivisional works; this is to include the acceptance of bonds or securities as performance guarantees against unfulfilled conditions.

Sub-delegation Permitted Yes

Sub-delegated to Director Development and Community
 Manager Planning & Building Services

Record requirements Documentation to be recorded to the relevant subdivision file.

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02.

PLA11 Submit Responsible Authority Report

Head of Power *Planning and Development Act 2005 (section 171A, 171B)
 Planning and Development (Development and Assessment Panels) Regulation 2011 (regulation 12)
 Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 cl.82*

Power/Duty Delegated

Instrument	<i>Planning and Development Act 2005</i>
Part	11A
Division	1
Section	171A, 171B
Sub section	Nil
Local Law	Nil
Regulation	12
Relevant Policies	5.2 – Staff Accommodation in General Agriculture, Rural Small Holdings and Culture and Natural Resource Use Zones 5.3 – Miscellaneous Structures 5.4 – Heritage List– Development of Listed Places 5.5 – Transient Workers Accommodation 5.6 – Parking 5.7 – Development Standards for Development Applications 5.8 – Fences 5.9 – Development Approvals – Amendments/extensions to Term of Approval and Requests for Further Information 5.10 - Signs 5.11 – Telecommunications Infrastructure 5.12 – Provision of Public Art 5.13 – Design Guidelines –Town Centre Zone 5.14 – Public Consultation – Planning Matters 5.15 – Forms of Residential Accommodation other than a Single House 5.16 - Old Broome Development Strategy 5.17 – Caretakers Dwellings and Attached Offices in the Light and Service Industry Zone 5.18 – Bed and Breakfast Accommodation 5.19 – Strata Titling of Tourist Developments in the Tourist Zone 5.20 – Exempt Development 5.21 – Non-conforming Use Register

Previous Delegation # D.78

Detail of delegation

The Chief Executive Officer is delegated to submit the Responsible Authority Report to the presiding member of the Development Assessment Panel.

Conditions Imposed

Authority only to be exercised where:

1. Consideration has been given to the matters listed in clause 67 'matters to be considered by local government' of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Required consultation has to be conducted, delegation can be exercised where concerns raised through consultation is not relevant planning consideration or where concerns can be addressed by way of conditions or mitigated design. Where concerns raised are relevant planning considerations that cannot be addressed or mitigated through conditions, a report to Council shall be prepared.

Deleted: and Clause 10.2 of Local Planning Scheme No 6

Sub-delegation Permitted	Yes
Sub-delegated to	Director of Development and Community Manager Planning & Building Services
Record requirements	Documentation to be placed on the property file and in the Information Bulletin Report
Reporting requirements	To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02.

WITHDRAWN DELEGATIONS

- LGA3 Applications to Main Roads WA for the installation of Regulatory Signs
(Withdrawn OMC 28 September 2017)**
- LGA4 Appointment of Acting CEO
(Withdrawn OMC 14 December 2017)**
- LGA8 Broome Recreation and Aquatic Centre – Trading hours, Extension of
(Withdrawn OMC 14 December 2017)**
- LGA17 Execution of Documents – Authorisation without Common Seal
(Withdrawn OMC 7 September 2017)**
- LGA21 Management Orders, Acceptance of
(Revoked OMC 28 February 2017)**
- LGA25 Operational – Contract Price Variations
(Incorporated into LGA37 at OMC 28 June 2018)**
- LGA31 Rates, Unpaid – Power for Sale
(Revoked OMC 28 February 2017)**
- LGA36 Significant Tree Register
(Withdrawn OMC 14 December 2017)**
- CPA1 Administering the Caravan Parks and Camping Act 1995
(Withdrawn OMC 28 September 2017)**
- LCA1 Liquor Control Act 1988 – Certificate of Local Government as to whether premises comply
with Laws (Health and Building)
(Withdrawn OMC 28 September 2017)**
- LCA2 Liquor Licensing Extended Trading Permits
(Withdrawn OMC 28 September 2017)**
- PLA2 Certifying Premises Complies with Planning Laws
(Withdrawn OMC 14 December 2017)**
- PLA3 Certifying Premises Complies with Planning Laws – Motor Vehicles
(Withdrawn OMC 14 December 2017)**
- PLA6 Gaming and Wagering, Applications & Renewals
(Withdrawn OMC 14 December 2017)**