



DELEGATED AUTHORITY REGISTER

2023

Council to Chief Executive Officer &
Authorised Persons

INTRODUCTION

The Delegations of Authority contained in this register are made to the Chief Executive Officer pursuant to section 5.42 of the *Local Government Act 1995* (the Act). Some functions are delegated by the Chief Executive Officer to Shire of Meekatharra employees pursuant to section 5.44 of the Act. These are detailed in the Delegated Authority Register – Council to Authorised Officers. All delegations made by Council must be by **Absolute Majority** decision.

Limitations

The following are decisions that **cannot** be delegated to the Chief Executive Officer as per s5.43 of the Act:

- (a) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- (b) *accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) *appointing an auditor;*
- (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) *any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) *borrowing money on behalf of the local government;*
- (g) *hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) *the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) *any power or duty that requires the approval of the Minister or the Governor;*
- (i) *such other powers or duties as may be prescribed.*

Further to the above limitations the following cannot be delegated to the Chief Executive Officer as per r.18G of the *Local Government (Administration) Regulations 1996*:

*Powers and duties of a local government exercised under the following provisions are prescribed under section 5.43(i) as powers and duties that a local government **cannot** delegate to a CEO —*

- (a) *section 7.12A(2), (3)(a) or (4); and*
- (b) *regulations 18C and 18D.*

Record Keeping

If a person is exercising a delegated power or duty, r.19 of the *Local Government (Administration) Regulations 1996* requires records be kept relating to the exercise of the power or discharge of the duty. The written record is to contain:

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

Reading this Register

The aim of the Delegated Authority Register is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. This is consistent with the Shire of Meekatharra's commitment to a strong customer service focus.

This Delegated Authority Register is reviewed annually in accordance with the Act.

EXAMPLE DELEGATION

Delegation Number & Title	
Function Performed	Description of authority being delegated. This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions listed in legislation and the delegation.
Power being Delegated	The express power or duty that is being delegated - The Legislation and Section <i>Head of Power (Act or Regulation)</i> s.# – Section Title
Power originally assigned to	Local Government (Local Government may be referred to as <i>Enforcement Agency or Permit Issuing Body</i> in some Legislation.)
Power to Delegate	The express power that allows a delegation to be made - The Legislation and Section <i>Head of Power (Act or Regulation)</i> s.# – Section Title
Power Delegated to	Chief Executive Officer or in some delegation's staff titles or a class of staff (eg. Ranger)
Council Conditions	Conditions placed on the delegation that are not already specified in Legislation, Regulation or Council Policy
Power to Sub-Delegate	The express power to sub-delegate the delegation to staff - The Legislation and Section <i>Head of Power (Act or Regulation)</i> s.# – Section Title In some cases, the Legislation expressly prohibits sub-delegation Not applicable – Sub-delegation is prohibited by s.# – Section Title The CEO can also choose to not sub-delegate authority that could be sub-delegated, in which case the following should be below the legislation. CEO has elected to not sub-delegate this role
Compliance Links	Documents relevant to the delegation should be listed here that provide further included but not limited to, other Acts, Regulations, Local Laws, Council Policy and Standard Operating Procedures.
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Date adopted, reviewed or amended and Council Resolution	6.
2.	7.
3.	8.
4.	9.
5.	

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PART 1 LOCAL GOVERNMENT ACT 1995

1.1 Expressions of Interest, Tenders and Pre-qualified Suppliers (s.3.57)	
Function Performed	Authority to undertake tendering, expressions of interest and prequalified supplier panels
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government Act 1995</i> s.3.57(1) – Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996</i> Division 2 - Tenders for providing goods or services Division 3 - Panels of pre-qualified suppliers
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s.5.42 – Delegation of some powers or duties to the CEO s.5.43 – Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	<ol style="list-style-type: none"> 1) Unique supplier exemption may only be approved where a record is retained that evidences rationale for why the supply is unique and cannot be sourced through other suppliers 2) Tenders may only be called where there is a budget allocation for the proposed goods or services 3) Subject to goods and services included in the Annual Budget as revised from time to time, the delegation is limited to: <ol style="list-style-type: none"> a) Quotes utilising a pre-qualified supplier who is part of a panel of pre-qualified suppliers, not exceeding a value of \$250,000 b) Tenders not exceeding a value as per the Regulations 4) Council consider a minor variation before entering into a contract to be 10% of the contract sum 5) In accordance with Division 3 - Panels of pre-qualified suppliers, applicants may only be appointed to a panel by Council Decision
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – N/A
Compliance Links	<i>Local Government Act 1995</i> s.5.43 - Limitations on delegations to the CEO <i>Local Government (Functions and General) Regulations 1996</i> Part 4 — Provision of goods and services <i>Council Policy 4.02 and 4.03</i>

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted – 22 June 2019: Resolution # 9.4.7	
2. Amended –27 June 2020, Resolution # 9.3.1	
3. Reviewed – 17 April 2021, Resolution # 9.3.4	
4. Reviewed – 13 May 2022. Resolution # 9.3.6	

1.2 Purchase Order Delegation (s. 5.42, 5.43 & 5.44)	
Function Performed	Officers are authorized to expend by Purchase Order to the prescribed limit in this delegation for items contained within the current budget.
Power being Delegated	<i>Local Government Act 1995</i> Chief Executive Officer
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> Chief Executive Officer (Level 1) Corporate Credit Card – The CEO and DCEO are the only authorised cardholder(s) in accordance with Council Policy 4.12 – Corporate Credit Card (as amended)
Power Delegated to	The Chief Executive Officer in exercising authority, under s5.44 of the Local Government Act, 1995, has delegated this power/duty to the following Officers. <ul style="list-style-type: none"> ▪ Level 2 Deputy Chief Executive Officer ▪ Level 2 Works and Services Manager ▪ Level 2 Community Development & Services Manager ▪ Level 3 Roads Administration Supervisor and the Project & Maintenance Officer ▪ Level 4 Community Development Officer ▪ Level 5 Finance Officer
Council Conditions	Limits on amounts: <ul style="list-style-type: none"> • Level 1 (CEO) - \$250,000 excluding the purchase of freehold land and real estate. When authorised by Council resolution, and subject to compliance with the relevant tender legislation, the CEO can issue Purchase Orders for amounts in excess of \$250,000. This includes purchases under pre-qualified shire panel tenders and other shire tenders where the contract/s provide for flexibility in terms of the volume and/or value of goods and services. This also includes the purchase of bitumen and aggregate goods and services when the purchase is conducted through the WALGA Preferred Supplier system and in accordance with Council Policy 04.02. • Level 2 – up to \$20,000 excluding the purchase of freehold land and real estate. • Level 3 – Within area of responsibility up to a maximum of \$2,000 excluding Capital items. • Level 4 – Groceries and consumables within area of responsibility up to a maximum of \$300 excluding Capital items. • Level 5 – in the absence of all other authorized officers when the requirement is urgent and with approval from the Chief Executive Officer or a Level 2 officer – CEO to countersign approval when available.
Power to Sub-Delegate	As above
Compliance Links	Shire Meekatharra Policy 4.02 and 4.12
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted – 22 June 2019: Resolution # 9.4.7	
2. Amended –27 June 2020, Resolution # 9.3.1	
3. Reviewed – 17 April 2021, Resolution # 9.3.4	
4. Reviewed – 13 May 2022. Resolution # 9.3.6	

1.3

Agreement as to payment of rates and service charges (s.6.49)

Function Performed	Authority to accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government Act 1995</i> s.6.49 – Agreement as to payment of rates and service charges
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s.5.42 – Delegation of some powers and duties to the CEO s.5.43 – Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO can delegate powers and duties to Deputy Chief Executive Officer
Compliance Links	Nil

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1. Adopted – 22 June 2019: Resolution # 9.4.7	
2. Amended – 27 June 2020, Resolution # 9.3.1	
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4. Reviewed – 13 May 2022. Resolution # 9.3.6	

1.4 Powers of entry (s3.28 & s3.34)

Function Performed	<p>Authority to</p> <ol style="list-style-type: none"> 1. Confer powers of entry to allow staff performing the functions of the <i>Local Government Act 1995</i> to enter property following a notice being given under s.3.32. and; 2. Allow, in an emergency, entry to any land, premises or thing immediately and without notice to perform any Local Government function as considered appropriate to deal with the emergency.
<p><i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i></p>	
Power being Delegated	<p><i>Local Government Act 1995</i> s.3.28 - When this Subdivision applies (Subdivision 3 — Powers of entry) s.3.34 - Entry in emergency</p>
Power originally assigned to	Local Government
Power of Delegation	<p><i>Local Government Act 1995</i> s.5.42 – Delegation of some powers and duties to the CEO s.5.43 – Limitations on delegations to the CEO</p>
Power Delegated to	Chief Executive Officer
Council's Conditions on Delegation	Nil
Power to Sub-Delegate	<p><i>Local Government Act 1995</i> s.5.44 – CEO can delegate powers and duties to the Deputy Chief Executive Officer, Works and Services Manager, Environmental Health Officer and the Ranger</p>
Compliance Links	<p><i>Local Government Act 1995</i> s.3.32 - Notice of entry</p>

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1. Adopted – 22 June 2019: Resolution # 9.4.7	
2. Amended – 27 June 2020, Resolution # 9.3.1	
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4. Reviewed – 13 May 2022. Resolution # 9.3.6	

1.5

Certain provisions about land (s.3.25, s3.26 & s.3.27)

Function Performed	<p>Authority to give an owner or occupier of land notice requiring them to do anything as prescribed in Schedule 3.1, Division 1 of the <i>Local Government Act 1995</i>.</p> <p>Following a failure to comply with the above notice, authority to take action that is considered necessary to achieve, so far as is practicable, the purpose for which the notice was given.</p> <p>Authority to recover cost of the above action as a debt due from the person who failed to comply.</p> <p>Authority to do any of the things prescribed in Schedule 3.2 to non-local government property, without consent, in the Local Government's capacity to undertake its general functions as outlined in s.3.27.</p>
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<p><i>Local Government Act 1995</i></p> <p>s.3.25 – Notices requiring certain things to be done by owner or occupier of land</p> <p>s.3.26 – Additional powers when notices given</p> <p>s.3.27 – Particular things local governments can do on land that is not local government property</p>
Power originally assigned to	Local Government
Power of Delegation	<p><i>Local Government Act 1995</i></p> <p>s.3.24 – Authorising persons under this Subdivision (Subdivision 2 — Certain provisions about land)</p> <p>s.5.42 – Delegation of some powers and duties to the CEO</p> <p>s.5.43 – Limitations on delegations to the CEO</p>
Power Delegated to	Chief Executive Officer
Council's Conditions on Delegation	Nil
Power to Sub-Delegate	<p><i>Local Government Act 1995</i></p> <p>s.5.44 – CEO can delegate powers and duties to the Deputy Chief Executive Officer</p>
Compliance Links	<p><i>Local Government Act 1995</i></p> <p>Schedule 3.1 - Powers under notices to owners or occupiers of land</p> <p>Schedule 3.2 - Particular things local governments can do on land even though it is not local government property</p>

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1. Adopted – 22 June 2019: Resolution # 9.4.7	
2. Amended – 27 June 2020, Resolution # 9.3.1	
3. Reviewed – 17 April 2021, Resolution # 9.3.4	
4. Reviewed – 13 May 2022. Resolution # 9.3.6	

1.6 Enforcement and legal proceedings (s.9.10, 9.11, 9.13, 9.16, 9.19, 9.20 & 9.24)	
Function Performed	Authority to exercise the powers and duties of a local government to administer and enforce the provisions of the Act.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government Act 1995</i> s.9.11 – Persons found committing breach of Act to give name on demand s.9.13 – Onus of proof in vehicle offences may be shifted s.9.16 – Notice, giving of to alleged offender s.9.19 – Extension of time s.9.20 – Withdrawal of notice s.9.24 – Prosecutions, commencing
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s.5.42 – Delegation of some powers and duties to the CEO s.5.43 – Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Retention of Confidential File copy of relevant correspondence in safe or where confidentiality is not an issue, filing of all relevant documents in the Council filing system. Records to be kept under the provisions of the Shire of Meekatharra Record Keeping Plan and the General Disposal Authority for Local Government Records Legislation
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – N/A
Compliance Links	Nil

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted – 22 June 2019: Resolution # 9.4.7	
2. Amended – 27 June 2020, Resolution # 9.3.1	
3. Reviewed – 17 April 2021, Resolution # 9.3.4	
4. Reviewed – 13 May 2022. Resolution # 9.3.6	

1.7 Closing certain thoroughfares to vehicles (s.3.50)

Function Performed	Authority to close a thoroughfare to vehicles wholly or partially, for a period not exceeding four weeks.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government Act 1995</i> s.3.50 – Closing certain thoroughfares to vehicles
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s.5.42 – Delegation of some powers or duties to the CEO s.5.43 – Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO can delegate powers and duties to the Works and Services Manager
Compliance Links	Nil

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted – 22 June 2019: Resolution # 9.4.7	
2. Amended – 27 June 2020, Resolution # 9.3.1	
3. Reviewed – 17 April 2021, Resolution # 9.3.4	
4. Reviewed – 13 May 2022. Resolution # 9.3.6	

1.8

Declaring a vehicle as an abandoned vehicle wreck (s.3.40A)

Function Performed	Authority to declare an impounded vehicle as an abandoned wreck.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government Act 1995</i> s.3.40A - Abandoned vehicle wreck may be taken
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s.5.42 – Delegation of some powers or duties to the CEO s.5.43 – Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO can delegate powers and duties to the Deputy Chief Executive Officer and the Works and Services Manager
Compliance Links	<i>Local Government Act 1995</i> s3.39 - Power to remove and impound

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted – 22 June 2019: Resolution # 9.4.7	
2. Amended – 27 June 2020, Resolution # 9.3.1	
3. Reviewed – 17 April 2021, Resolution # 9.3.4	
4. Reviewed – 13 May 2022. Resolution # 9.3.6	

1.9 Disposing of confiscated or uncollected goods (s.3.47)

Function Performed	Authority to sell or otherwise dispose of confiscated or uncollected goods.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government Act 1995</i> s.3.47 – Confiscated or uncollected goods - disposal
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s.5.42 – Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	<ul style="list-style-type: none"> • The Chief Executive Officer may dispose of the above only after calling public tenders in accordance with Part 4 of the Local Government (Functions and General) Regulations. • The Chief Executive Officer is authorised pursuant to Section 5.43(B) of the Local Government Act 1995 to accept any tender up to the value of \$5000 • Tenders for amounts exceeding \$5000 shall be referred to the Council for consideration in accordance with legislation.
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO can delegate powers and duties to the Deputy Chief Executive Officer
Compliance Links	<i>Local Government Act 1995</i> s.3.58 - Disposing of Property

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted – 22 June 2019: Resolution # 9.4.7	
2. Amended – 27 June 2020, Resolution # 9.3.1	
3. Reviewed – 17 April 2021, Resolution # 9.3.4	
4. Reviewed – 13 May 2022. Resolution # 9.3.6	

1.10 Disposing of property (s.3.58)	
Function Performed	Authority to dispose of property surplus to the Shire's operational needs.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government Act 1995</i> s.3.58 - Disposing of Property
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s.5.42 – Delegation of some powers or duties to the CEO s.5.43 – Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	<ol style="list-style-type: none"> 1. Authority for the disposal of land and/or building assets is limited to matters specified in the Annual Budget or Corporate Business Plan and in any other case, requires a specific resolution of Council. 2. The Chief Executive Officer is limited to determining disposals of property (including land assets) for any single project, or where not part of a project a single event, to an aggregated maximum material value of \$200k 3. Authority to determine the method of disposal: <ol style="list-style-type: none"> a. Where a public auction is determined as the method of disposal: <ol style="list-style-type: none"> i. a reserve price has been confirmed by Council in accordance with any valuation recommended amount; ii. where the reserve price is not achieved at auction negotiation may be undertaken to achieve the sale of the property at up to a 10% variation on the valuation price. b. Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method. c. Where a direct negotiation is determined [s.3.58(3)] as the method of disposal, authority to: <ol style="list-style-type: none"> i. negotiate the sale of the property up to a 10% variance below the valuation; and ii. consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a determination are recorded.
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO can delegate powers and duties to the Deputy Chief Executive Officer.
Compliance Links	<i>Local Government Function and General Regulations 1996</i> r.30 - Dispositions of property excluded from Act s. 3.58

1.10 Disposing of property (s.3.58)

DELEGATION ADMINISTRATION

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1. Adopted – 22 June 2019: Resolution # 9.4.7	
2. Amended – 27 June 2020, Resolution # 9.3.1	
3. Reviewed – 17 April 2021, Resolution # 9.3.4	
4. Reviewed – 13 May 2022. Resolution # 9.3.6	

1.11 Investment of funds (s.6.14)

Function Performed	Authority to invest money in the municipal fund or the trust fund that is not for the time being, required.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government Act 1995</i> s.6.14 – Power to invest
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s.5.42 – Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Established documental internal control procedures to be followed to ensure control over the investments. Compliance with Clause 19(2) Local Government (Financial Management) Regulations 1996 Council Policy No 4.1 (Investments Policy).
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO can delegate powers and duties to the Deputy Chief Executive Officer regarding renewals and reinvestments in the same type of investments already approved by the Chief Executive Officer
Compliance Links	<i>Local Government (Financial Management) Regulations 1996</i> s19 - Investments, control procedures for Council Policy 4.01 COR 002: Financial Management

DELEGATION ADMINISTRATION

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1. Adopted – 22 June 2019: Resolution # 9.4.7	
2. Amended – 27 June 2020, Resolution # 9.3.1	
3. Reviewed – 17 April 2021, Resolution # 9.3.4	
4. Reviewed – 13 May 2022. Resolution # 9.3.6	

1.12 Local government may require lessee to pay rent (s.6.60)

Function Performed	Authority to require a lessee to pay rent to the Local Government in satisfaction of rates or service charges due and payable.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government Act 1995</i> s.6.60 – Local Government may require lessee to pay rent
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Subject to Council approval
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 CEO can delegate powers and duties to the Deputy Chief Executive Officer
Compliance Links	Nil

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted – 22 June 2019: Resolution # 9.4.7	
2. Amended – 27 June 2020, Resolution # 9.3.1	
3. Reviewed – 17 April 2021, Resolution # 9.3.4	
4. Reviewed – 13 May 2022. Resolution # 9.3.6	

1.13 Local laws administration (s.3.18)

Function Performed	Authority to exercise the powers and duties and to administer and do all things necessary to enact the Shire of Meekatharra Local Laws.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government Act 1995</i> s.3.18 – Performing executive functions
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Pursuant to the relevant and particular Local Law as prescribed

1.14 Local laws administration (s.3.18)

Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate some powers & duties to other employees relevant to particular Local Law as prescribed
Compliance Links	Shire of Meekatharra Local Laws

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted – 22 June 2019: Resolution # 9.4.7	
2. Amended – 27 June 2020, Resolution # 9.3.1	
3. Reviewed – 17 April 2021, Resolution # 9.3.4	
4. Reviewed – 13 May 2022. Resolution # 9.3.6	

1.14 Objection to the rate record (s.6.76)

Function Performed	<p>Authority to</p> <ol style="list-style-type: none"> 1) Extend the period of time for making the objection for such period as seen fit upon application by a person proposing to make an objection to the rate record. 2) Promptly consider any objection to the rate record and either disallow it or allow it, wholly or in part. 3) Serve upon the person by whom the objection was made written notice of its decision on the objection and a statement of its reason for that decision.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government Act 1995</i> s.6.76 – Grounds of objection
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO can delegate powers and duties to the Deputy Chief Executive Officer
Compliance Links	Nil

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted – 22 June 2019: Resolution # 9.4.7	
2. Amended – 27 June 2020, Resolution # 9.3.1	
3. Reviewed – 17 April 2021, Resolution # 9.3.4	
4. Reviewed – 13 May 2022. Resolution # 9.3.6	

1.15 Partial closure of thoroughfare for repairs and maintenance (s.3.50A.)

Function Performed	Authority to partially and temporarily close a thoroughfare, without giving local public notice, if the closure is: (a) for the purpose of carrying out repairs or maintenance; and (b) unlikely to have a significant adverse effect on users of the thoroughfare.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government Act 1995</i> s.3.50A. – Partial closure of thoroughfare for repairs or maintenance
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Report to Council at the next Ordinary Meeting.
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO can delegate powers and duties to the Works and Services Manager
Compliance Links	<i>Local Government Act 1995</i> s.3.50 - Closing certain thoroughfares to vehicles

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted – 22 June 2019: Resolution # 9.4.7	
2. Amended – 27 June 2020, Resolution # 9.3.1	
3. Reviewed – 17 April 2021, Resolution # 9.3.4	
4. Reviewed – 13 May 2022. Resolution # 9.3.6	

1.16 Power to remove, impound goods and recover expenses (s.3.39 & s.3.48)

Function Performed	<p>Authority to</p> <ol style="list-style-type: none"> 1) Remove and impound any goods as per s.3.39 of the Act. 2) Recover from the convicted offender the expenses incurred by removing and impounding the goods and disposing of them, if goods were removed and impounded under s.3.39.
<p><i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i></p>	
Power being Delegated	<p><i>Local Government Act 1995</i> s.3.39 – Power to remove and impound s.3.48 – Impounding expenses, recovery of</p>
Power originally assigned to	Local Government
Power to Delegate	<p><i>Local Government Act 1995</i> s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO</p>
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<p><i>Local Government Act 1995</i> s.5.44 – CEO can delegate powers and duties to the Deputy Chief Executive Officer and the Works and Services Manager</p>
Compliance Links	Nil

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted – 22 June 2019: Resolution # 9.4.7	
2. Amended – 27 June 2020, Resolution # 9.3.1	
3. Reviewed – 17 April 2021, Resolution # 9.3.4	
4. Reviewed – 13 May 2022. Resolution # 9.3.6	

1.17 Power to write off debts (s.6.12)

Function Performed	Authority to write off money which is owed to the local government.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government Act 1995</i> s 6.12 – Power to defer, grant discounts, waive or write off debts
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Debts up to a value of \$500.00 may be written off, conditional upon all avenues of debt recovery action having been exhausted. Report to Council at the next Ordinary Meeting.
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO can delegate powers and duties to the Deputy Chief Executive Officer
Compliance Links	Council Policy 4.06 – Write Off Debt Requests

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted – 22 June 2019: Resolution # 9.4.7	
2. Amended – 27 June 2020, Resolution # 9.3.1	
3. Reviewed – 17 April 2021, Resolution # 9.3.4	
4. Reviewed – 13 May 2022. Resolution # 9.3.6	

1.18 Rates or service charges recoverable in court (s.6.56)

Function Performed	Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government Act 1995</i> s.6.56. Rates or service charges recoverable in court
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Report to Council at the next Ordinary Meeting.
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 - CEO can delegate powers and duties to the Deputy Chief Executive Officer
Compliance Links	Council Policy 4.06 – Write Off Debt Requests

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted – 22 June 2019: Resolution # 9.4.7	
2. Amended –27 June 2020, Resolution # 9.3.1	
3. Reviewed – 17 April 2021, Resolution # 9.3.4	
4. Reviewed – 13 May 2022. Resolution # 9.3.6	

1.19 Disposal of sick or injured animals(s.3.47A)

Function Performed	Authority to humanely destroy the animal and dispose of the carcass, if an impounded animal is ill or injured to such an extent that treating it is not practicable.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government Act 1995</i> s.3.47A – Sick or injured animals, disposal of
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO can delegate powers and duties to the Works and Services Manager and Ranger
Compliance Links	Nil

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. New delegation	
2. Reviewed – 13 May 2022. Resolution # 9.3.6	

1.20 Contract Variations (s. 5.42, 5.43 & 5.44)

Function Performed	Council delegates its authority and power to the Chief Executive Officer to approve minor variations to contracts entered into by resolution of Council (for example Tenders).
Power being Delegated	Chief Executive Officer
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i>
Power Delegated to	The Chief Executive Officer, in exercising authority under s5.44 of the Local Government Act, 1995 and may delegate this function to the Deputy Chief Executive Officer in the absence of the Chief Executive Officer
Council Conditions	Monetary variations to contracts are not to exceed the amount set aside in the budget adopted by Council. Report to Council at next Meeting.
Power to Sub-Delegate	As above
Compliance Links	Local Government (Financial Management) Regulations 1996

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted – 22 June 2019: Resolution # 9.4.7	
2. Amended –27 June 2020, Resolution # 9.3.1	
3. Reviewed – 17 April 2021, Resolution # 9.3.4	
4. Reviewed – 13 May 2022. Resolution # 9.3.6	

1.21 Mining Tenements (s. 5.46)

Function Performed	Council delegates its authority and power to the Chief Executive Officer to lodge objections to the granting of mining tenements that may affect Shire property. The Chief Executive Officer is further delegated authority to negotiate/impose appropriate conditions to be applied to the granting of any mining tenement in order to protect the Shires interest in that property
Power being Delegated	Chief Executive Officer
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i>
Power Delegated to	The Chief Executive Officer has elected to not sub-delegate this role.
Council Conditions	Compliance with Council Policy 5.4
Power to Sub-Delegate	As above
Compliance Links	Council Policy 5.04

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted – 22 June 2019: Resolution # 9.4.7	
2. Amended –27 June 2020, Resolution # 9.3.1	
3. Reviewed – 17 April 2021, Resolution # 9.3.4	
4. Reviewed – 13 May 2022. Resolution # 9.3.6	

PART 2 BUILDING ACT 2011

2.1 Appointment of Authorised Persons (s.96 & s.99)	
Function Performed	<p>Authority to</p> <ol style="list-style-type: none"> 1) Designate an employee as an authorised person under the Building Act 2011; and 2) Revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<p><i>Building Act 2011</i> s.96 - Authorised Person s.99 - Limitation on powers of authorised person</p>
Power originally assigned to	Local Government
Power to Delegate	<p><i>Building Act 2011</i> s.96 – Authorised Person s.127 – Delegation: Special Permit Authorities and Local Governments</p>
Power Delegated to	Chief Executive Officer
Council Conditions	Building License Grant - Subject to the provisions of s 3.74 of the Local Government (Miscellaneous Provisions) Act 1960 and subject to the relevant building codes, Local Laws, Council’s Policies and specific Resolutions of Council. Prior to issuing a building licence in respect of an outbuilding which exceeds 75m ² in area or 3m in height, the application shall be submitted to Council for consideration.
Power to Sub-Delegate	<p><i>Local Government Act 1995</i> s.5.44 – CEO can delegate some powers and duties to the Community Development and Services Manager and the Building Officer.</p>
Compliance Links	<p><i>Building Act 2011</i> s.97 - Identity cards <i>Council Policy</i> 6.03</p>
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted – 22 June 2019: Resolution # 9.4.7	
2. Amended – 27 June 2020, Resolution # 9.3.1	
3. Reviewed – 17 April 2021, Resolution # 9.3.4	
4. Reviewed – 13 May 2022. Resolution # 9.3.6	

2.2 Powers pursuant to the Building Act 2011

Function Performed	To undertake the powers of the Local Government for the following sections of the <i>Building Act 2011</i> .
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> s.18 Further Information s.19 Certificate of design compliance s.20 Grant of building permit s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.24 Notice of decision not to grant building or demolition permit s.27 Conditions imposed by permit authority s.32 Duration of building or demolition permit (consider application to extend time) s.55 Further information s.56 Certificate of construction compliance s.57 Certificate of building compliance s.58 Grant of occupancy permit, building approval certificate s.60 Notice of decision not grant occupancy permit or grant building approval certificate s.62 Conditions imposed by permit authority s.65 Extension of period of duration s.88 Finishes of walls close to boundaries s.100 Entry powers s.101 Powers after entry for compliance purposes s.102 Obtaining information and documents s.103 User of force and assistance s.104 Directions generally s.110 Building Orders s.111 Notice of proposed building order other than a building order (emergency) s.117 Revocation of building order s.118 Permit authority may give effect to building order if non-compliance s.131 Inspection, copies of building records
Power originally assigned to	Local Government
Power to Delegate	<p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> s.127 – Delegation: Special Permit Authorities and Local Governments
Power Delegated to	Chief Executive Officer
Council Conditions	Nil

2.2 Powers pursuant to the Building Act 2011

Power to Sub-Delegate	<p><i>Building Act 2011</i></p> <p>s.127 – Delegation: Special Permit Authorities and Local Governments</p> <p><i>Local Government Act 1995</i></p> <p>s.5.44 – CEO can delegate some powers and duties to the Community Development and Services Manager and the Building Officer.</p>
Compliance Links	<i>Building Regulations 2012</i>

DELEGATION ADMINISTRATION:

Decision Reference	Decision Reference
1. Adopted – 22 June 2019: Resolution # 9.4.7	
2. Amended – 27 June 2020, Resolution # 9.3.1	
3. Reviewed – 17 April 2021, Resolution # 9.3.4	
4. Reviewed – 13 May 2022. Resolution # 9.3.6	

PART 3 PUBLIC HEALTH ACT 2016

3.1 Appointment of Environmental Health Officer (s.17)	
Function Performed	Authority to appoint suitably qualified employees as Environmental Health Officer(s)
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Public Health Act 2016</i> s.17 – Appointment of Environmental Health Officer(s)
Power is originally assigned to	Local Government
Power to Delegate	<i>Public Health Act 2016</i> s.21 – Enforcement agency may delegate
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Public Health Act 2016</i> s.21 – Enforcement agency may delegate CEO has elected to not sub-delegate this role
Compliance Links	<i>Public Health Act 2016</i> s.18 - Chief Health Officer to approve qualifications and experience required by Environmental Health Officer(s)
DELEGATION ADMINISTRATION:	
Decision Reference	Decision Reference
1. New delegation	
2. Reviewed – 13 May 2022. Resolution # 9.3.6	

3.2 Designation of Authorised Officers (s.24)	
Function Performed	Authority to designate a person or class of persons as authorised officers under the <i>Public Health Act 2016</i> .
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Public Health Act 2016</i> s.24 – Designation of authorised officers
Power is originally assigned to	Local Government
Power to Delegate	<i>Public Health Act 2016</i> s.21 – Enforcement agency may delegate
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Public Health Act 2016</i> s.21 – Enforcement agency may delegate CEO has elected to not sub-delegate this role
Compliance Links	<i>Public Health Act 2016</i> s.25 - Certain authorised officers required to have qualifications and experience. s.26 - Further provisions relating to designations s.27 - Lists of authorised officers to be maintained s.28 - When designation as authorised officer ceases s.29 - Chief Health Officer may issue guidelines about qualifications and experience of authorised officers s.30 - Certificates of authority s.31 - Issuing and production of certificate of authority for purposes of other written laws s.32 - Certificate of authority to be returned. s.136 - Authorised officer to produce evidence of authority
DELEGATION ADMINISTRATION:	
Decision Reference	Decision Reference
1. New delegation	
2. Reviewed – 13 May 2022. Resolution # 9.3.6	

4.1 General administration powers

Function Performed

Unless the specific power may only be exercised by the Council itself (or is not permitted to be delegated under the provisions of the *Local Government Act 1995*), the Council hereby delegates authority under Clause 82 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* to the Chief Executive Officer¹ to administer the Scheme and exercise discretionary powers to conditionally or unconditionally approve (or recommend approval for) the following subject to the delegate/s actions being in accordance with the *Planning and Development Act 2005*, the Shire of Meekatharra Local Planning Scheme, the Acceptable Development requirements of the Residential Design Codes and variations that satisfy the Objectives and Performance Criteria of the Codes, State Planning Policies, relevant Local Laws and adopted Planning Strategies or Policies:

- a) Except for new buildings in the Commercial zone unless under a value of \$2,000,000 development² and land use applications:
 - where advertising is not necessary;
 - for which advertising is necessary and there are no objections;
 - for which advertising is necessary and any comments can be resolved through negotiation with the applicant or appropriately conditioned on the planning consent;
 - for which advertising is necessary and objections are received which are determined to be frivolous or vexatious by the Chief Executive Officer;
 - for which comments have been sought from any Government instrumentalities and those recommendations have been satisfactorily addressed or appropriately conditioned on the planning consent.

- b) Unless the specific power may only be exercised by the Council itself (or is not permitted to be delegated under the provisions of the *Local Government Act 1995*), the Council hereby delegates authority under Clause 82 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* to the Chief Executive Officer³ to administer the Scheme and exercise discretionary powers to refuse (or recommend refusal for) the following subject to the delegate/s actions being in accordance with the *Planning and Development Act 2005*, the Local Planning Scheme, the Acceptable Development requirements of the Residential Design Codes, State Planning Policies and variations that satisfy the Objectives and Performance Criteria of the Codes, relevant Local Laws and adopted Planning Strategies or Policies:
 - Where a planning application is received that is classified as “X” or non-permitted under the provisions of the Local Planning Scheme.

¹ A list of delegated authority approvals for development and subdivision applications is to be included in each monthly agenda of the Ordinary Council Meeting.

² The *Planning and Development Act 2005* (as amended) defines 'development' as follows:

'development' means the development or use of any land, including—

- (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;
- (b) the carrying out on the land of any excavation or other works;
- (c) in the case of a place to which a Conservation Order made under section 59 of the *Heritage of Western Australia Act 1990* applies, any act or thing that—
 - (i) is likely to change the character of that place or the external appearance of any building; or
 - (ii) would constitute an irreversible alteration of the fabric of any building;

³ A list of delegated authority approvals for development and subdivision applications is to be included in each monthly agenda of the Ordinary Council Meeting.

4.1 General administration powers

- Where a planning application is received that is not mentioned in the Zoning and Land Use Table and is not consistent with the objectives of the particular zone.
 - Where a planning application is received that is not consistent with an adopted Local Planning Policy.
- c) Commence advertising of any proposal where so required by the Local Planning Scheme or other related legislation and inform or consult with any affected person or statutory authority prior to the application being determined by or on behalf of Council.
- d) Development on reserved land that is consistent with the gazetted purpose of the reserve, the Local Planning Scheme and leasing arrangements subject to prior consultation with the reserve manager or the Crown if not under Council control.
- e) Concurrently advertise and subsequently approve or renew planning applications for:
- kennels under the Local Planning Scheme No. 24 and Dogs Local Law⁴.
- f) Make recommendations to the Western Australian Planning Commission (WAPC) for:
- approval of subdivisions, amalgamations, strata and survey-strata plans, and variations to such applications that comply with the Local Planning Scheme any adopted Structure Plan and the adopted Local Planning Strategy;
 - refusal of subdivisions, amalgamations, strata and survey strata plans, and variations to such applications that do not comply with the Local Planning Scheme, any adopted Structure Plan and the adopted Local Planning Strategy; and
 - clearance of subdivision conditions that comply with the WAPC preliminary approval and Council's applicable development standards including authorization of receipt or refund of bonds, cash (includes cleared cheque) or bank guarantees for associated works.
- g) Administer the State Planning Policies that are referenced into the Local Planning Scheme.
- h) Determine that a revised plan is considered to contain modifications that are minor and do not amount to a significantly different proposal, do not breach any of the conditions of the approval and do not materially affect the decision given by, or on behalf of, Council or the WAPC.
- i) Determine whether there is compelling evidence to warrant reconsideration of a Council decision whether the decision was made by, or on behalf of Council.
- j) Amend or cancel development approval at the request of the owner.
- k) Respond, defend and otherwise deal with legal proceedings arising from planning decisions made by, or on behalf of, Council.⁵

⁴ Development Approval would normally be issued subject to a condition that a kennel licence be obtained under the Dogs Local Law and renewed annually. Therefore, if the use is substantially commenced during the term of the initial planning consent, the use could be continued subject to annual renewal in accordance with the Local Laws.

⁵ Council to be kept informed of any actions that may entail legal representation in Court or in an insurance claim being made against Council.

4.1 General administration powers

- l) Exercise discretion on behalf of Council to reach determination, where appropriate, of Appeals processed by mediation under the State Administrative Tribunal.
- m) Exercise discretion on behalf of Council in relation to the Arbitration provisions of the Scheme.
- n) Make modifications to Scheme Amendments in accordance with directions from the Minister for Transport and Planning providing that any such modification:
 - does not substantially alter the intent of the Council in adopting the amendment; or
 - is required because the proposed text is not lawful.
- o) Agree to accept management orders for reserves provided they have been created under Section 152 of the *Planning and Development Act 2005*.
- p) Extend time for a planning consent when there has been no proposed change to the Local Planning Scheme or supporting planning strategies and policies that would affect the previous approval and any change to the proposed plans is relatively minor.
- q) Comment on mineral exploration licenses.
- r) Issue Liquor Licensing Act Section 40 Certificates regarding compliance with relevant planning laws.
- s) Enter land or buildings for the purposes of administering the Local Planning Scheme in accordance with Schedule 2, section 79 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- t) Allow appropriate selection of road names by developers from the Council/Geographic Names Committee approved reserved name list subject to developers being given the opportunity to submit alternative selections to Council
- u) Determine that a use is consistent or not consistent with the objectives of a zone and determine an application under Section 18 (4) of the Local Planning Scheme.
- v) Determine a cash-in-lieu payment for parking spaces in accordance with the Local Planning Scheme.
- w) Issue a written direction under Section 214(2) of the *Planning and Development Act 2005* to any person undertaking a development that contravenes a Planning Scheme or planning Control Area requirements, to stop and not recommence, the development or part of the development that is undertaken in contravention of the planning scheme or planning control area requirements.
- x) Issue a written direction under Section 214(3) of the *Planning and Development Act 2005* if a development has been undertaken in contravention of a planning scheme or interim development order or in contravention of planning control area requirements;
 - to remove, pull down, take up, or alter the development; and
 - to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.

This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.

4.1 General administration powers	
Power being Delegated	<p><i>Local Government Act 1995</i> <i>Planning and Development Act 2005</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Shire of Meekatharra Local Planning Scheme Shire of Meekatharra Property and Public Places Local Law 2021 Shire of Meekatharra Health Local Law 2021 Shire of Meekatharra Dogs Local Law 2021 Shire of Meekatharra Cemeteries Local Law 2021</p>
Power originally assigned to	Local Government
Power to Delegate	<p><i>Local Government Act 1995</i> s.5.42 – Delegation of some powers or duties to the CEO <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule.2, Part 10, cl.82</p>
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<p><i>Local Government Act 1995</i> s.5.44 – CEO may delegate some powers and duties to other employees such as Community Development and Services Manager and Town Planning Officer in accordance with the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule.2, Part 10, cl.83</p>
Compliance Links	Part 10 of Schedule 2, <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. New delegation	
2. Reviewed – 13 May 2022. Resolution # 9.3.6	

PART 5 BUSH FIRES ACT 1954

5.1 Appointment of Bush Fire Control Officers (s.38)	
Function Performed	Authority to 1) Appoint persons to be Bush Fire Control Officers for the purposes of the <i>Bush Fires Act 1954</i> ; and a) Of those Officers, appoint 2 as the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer; and b) Determine the respective seniority of the other Bush Fire Officers so appointed. 2) Issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Bush Fires Act 1954</i> s.38 - Local government may appoint bush fire control officers.
Power originally assigned to	Local Government
Power to Delegate	<i>Bush Fires Act 1954</i> s.48 - Delegation by local governments
Power Delegated to	Chief Executive Officer
Council Conditions	Any appointment is subject to the CEO being satisfied that the person to be authorised as a Bush Fire Control Officer has the appropriate qualifications and experience to perform the functions under the <i>Bush Fires Act 1954</i> .
Power to Sub-Delegate	Not applicable – Sub-delegation is prohibited by s.48 - Delegation by local governments
Compliance Links	<i>Bush Fire Brigades Local Law 2021</i> Council Policy 5.02: Bushfire Control
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. New delegation	
2. Reviewed – 13 May 2022. Resolution # 9.3.6	

5.2 Fire break maintenance (s.33)

Function Performed	<p>Authority to</p> <ol style="list-style-type: none"> 1) Give written notice to an owner or occupier of land or all owners or occupiers of land within the District and/or townsite requiring, to the satisfaction of the Shire: <ol style="list-style-type: none"> a) clearing of firebreaks as determined necessary and specified in the notice; and b) act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and c) as a separate or coordinated action with any other person carry out similar actions. 2) Direct a Bush Fire Control Officer or any other Officer to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with, with such servants, workmen, or contractors, and with such vehicles, machinery, appliances as he deems fit, and may do such acts, matters and things as may be necessary to carry out the requisitions of the notice.. 3) Recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Bush Fires Act 1954</i> s.33 – Local Government may require occupier of land to plough or clear fire-break
Power originally assigned to	Local Government
Power to Delegate	<i>Bush Fires Act 1954</i> s.48 - Delegation by local governments
Power Delegated to	Chief Executive Officer
Council Conditions	<ol style="list-style-type: none"> 1. Written direction is to be given to a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with. 2. The Bush Fire Control Officer or other Officer may, in pursuance of the direction, enter upon the land of the owner or occupier with such servants, workmen or contractors, and with such vehicles, machinery, and appliances as he deems fit, and may do such acts, matter and things as may be necessary to carry out the requisitions of the notice.
Power to Sub-Delegate	Not applicable – Sub-delegation is prohibited by s.48 - Delegation by local governments
Compliance Links	<i>Bush Fire Brigades Local Law 2021</i> Council Policy 5.02: Bushfire Control
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. New delegation	
2. Reviewed – 13 May 2022. Resolution # 9.3.6	

5.3 Offences and infringements (s.59 & s.59A)

Function Performed	<p>Authority to:</p> <ol style="list-style-type: none"> 1) Institute and carry on proceedings against a person for an offence alleged to be committed against this Act. 2) Serve an infringement notice for an offence against this Act.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<p><i>Bush Fires Act 1954</i> s.59 - Prosecution of offences s.59A - Alternative procedure – infringement notices</p>
Power originally assigned to	Local Government
Power to Delegate	<p><i>Bush Fires Act 1954</i> s.48 - Delegation by local governments s.59 - Prosecution of offences</p>
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	Not applicable – Sub-delegation is prohibited by s.48 - Delegation by local governments
Compliance Links	<p><i>Bush Fires (Infringements) Regulations 1978</i> <i>Bush Fire Brigades Local Law 2021</i> Council Policy 5.02: Bushfire Control</p>

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. New delegation	
2. Reviewed – 13 May 2022. Resolution # 9.3.6	

5.4 Withdrawal of infringements (s.59A)	
Function Performed	Authority to withdraw an infringement notice for an offence against this Act.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Bush Fires Act 1954</i> s.59A - Alternative procedure – infringement notices
Power originally assigned to	Local Government
Power to Delegate	<i>Bush Fires Act 1954</i> s.48 - Delegation by local governments
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	Not applicable – Sub-delegation is prohibited by s.48 - Delegation by local governments
Compliance Links	<i>Bush Fires (Infringements) Regulations 1978</i> <i>Bush Fires Act 1954:</i> s.65 - Proof of certain matters s.66 - Proof of ownership or occupancy
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. New delegation	
2. Reviewed – 13 May 2022. Resolution # 9.3.6	

5.5 Varying prohibited burning times (s.17)

Function Delegated	Joint authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Bush Fires Act 1954:</i> s.17 - Prohibited burning times may be declared by Minister
Power originally assigned to	Local Government
Power to Delegate	<i>Bush Fires Act 1954</i> s.48 - Delegation by local governments s.17(10) – Prohibited burning times may be declared by Minister
Power Delegated to	Shire President and Chief Bush Fire Control Officer (jointly)
Council Conditions	1. Decisions under s.17(7) must be undertaken jointly by both the Shire President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).
Power to Sub-Delegate	Not applicable – Sub-delegation is prohibited by s.48 - Delegation by local governments
Compliance Links	<i>Bush Fire Regulations 1954</i> <i>Bush Fire Brigades Local Law 2021</i> Council Policy 5.02 Bushfire Control

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. New delegation	
2. Reviewed – 13 May 2022. Resolution # 9.3.6	

PART 6 FOOD ACT 2008

6.1 Appoint Authorised Officers (s.122 & s.126)	
Function Performed	<p>Authority to</p> <ol style="list-style-type: none"> 1) Appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i>. 2) Appoint an Authorised Officer appointed under s.122 (1) and (2) of this Act or s.24(1) of the <i>Public Health Act 2016</i> to be a Designated Officer for the purposes of issuing Infringement Notices under <i>Food Act 2008</i>. 3) Appoint an Authorised Officer to be a Designated Officer for the purpose of extending the time for payment of modified penalties [s.126 (6)] and determining withdrawal of an infringement notice [s.126(7).]
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<p><i>Food Act 2008</i> s.122 Appointment of Authorised Officers s.126 Infringement Notices</p>
Power originally assigned to	Local Government
Power to Delegate	<p><i>Food Act 2008</i> s.118 - Functions of enforcement agencies and delegation</p>
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	Nil - <i>Food Regulations 2009</i> do not provide for sub-delegation.
Compliance Links	<p><i>Food Act 2008</i> s.122 - Appointment of authorised officers s.123 - Certificates of authority</p> <p>Department of Health Guidelines: Appointment of Authorised Officers as Meat Inspectors Appointment of Authorised Officers Appointment of Authorised Officers - Designated Officers only (section 126) Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an authorised officer.</p> <p><i>Health Local Law 2021</i></p>
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. New delegation	
2. Reviewed – 13 May 2022. Resolution # 9.3.6	

6.2 Prohibition orders (s.65, s.66 & s.67)	
Function Performed	<p>Authority to</p> <ol style="list-style-type: none"> 1) Serve a Prohibition order on the proprietor of a food business in accordance with s65 of the <i>Food Act 2008</i>. 2) Give a Certificate of clearance, where inspection demonstrates compliance with a Prohibition order and any Improvement Notices. 3) Give written notice to proprietor of a food business on whom a Prohibition Order has been served of the decision not to give a certificate of clearance after an inspection.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<p><i>Food Act 2008</i> s.65 - Prohibition order s.66 - Certificate of clearance to be given in certain circumstances s.67 - Request for re-inspection</p>
Power originally assigned to	Local Government
Power to Delegate	<p><i>Food Act 2008</i> s.118 - Functions of enforcement agencies and delegation</p>
Power Delegated to	<p>Chief Executive Officer Environmental Health Officer</p>
Council Conditions	Nil
Power to Sub-Delegate	Nil - <i>Food Regulations 2009</i> do not provide for sub-delegation.
Compliance Links	<p><i>Food Act 2008</i> <i>Food Regulations 2009</i> Department of Health <i>Food Act 2008</i> Regulatory Guideline No.1: Introduction of Regulatory Food Safety Auditing in WA Food Unit Fact Sheet 8: Guide to Regulatory Guideline No.1: WA Priority Classification System <i>Food Act 2008</i> Verification of Food Safety Program Guideline <i>Health Local Law 2021</i></p>
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. New delegation	
2. Reviewed – 13 May 2022. Resolution # 9.3.6	

6.3 Registration of food business (s.110 & s.112)	
Function Performed	<p>Authority to</p> <ol style="list-style-type: none"> 1) Consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration. 2) Vary the conditions or cancel the registration of a food business.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<p><i>Food Act 2008</i></p> <p>s.110 - Registration of food business</p> <p>s.112 - Variation of conditions or cancellation of registration of food businesses</p>
Power originally assigned to	Local Government
Power to Delegate	<p><i>Food Act 2008</i></p> <p>s.118 - Functions of enforcement agencies and delegation</p>
Power Delegated to	<p>Chief Executive Officer</p> <p>Community Development & Services Manager</p> <p>Environmental Health Officer</p>
Council Conditions	Nil
Power to Sub-Delegate	Nil - <i>Food Regulations 2009</i> do not provide for sub-delegation.
Compliance Links	<p><i>Food Act 2008</i></p> <p><i>Food Regulations 2009</i></p> <p>Department of Health</p> <p><i>Food Act 2008</i> Regulatory Guideline No.1: Introduction of Regulatory Food Safety Auditing in WA</p> <p>Food Unit Fact Sheet 8: Guide to Regulatory Guideline No.1: WA Priority Classification System <i>Food Act 2008</i></p> <p>Verification of Food Safety Program Guideline</p> <p><i>Health Local Law 2021</i></p>
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. New delegation	
2. Reviewed – 13 May 2022. Resolution # 9.3.6	

6.4 Prosecutions (s.125)

Function Performed	Authority to institute proceedings for an offence under the <i>Food Act 2008</i> .
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Food Act 2008</i> s.125 - Institution of proceedings
Power originally assigned to	Local Government
Power to Delegate	<i>Food Act 2008</i> s.118 - Functions of enforcement agencies and delegation
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	Nil - <i>Food Regulations 2009</i> do not provide for sub-delegation.
Compliance Links	<i>Food Act 2008</i> <i>Food Regulations 2009</i> Department of Health Compliance and Enforcement Policy
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. New delegation	
2. Reviewed – 13 May 2022. Resolution # 9.3.6	

PART 7 DOG ACT 1976

7.1 Appoint Registration Officers (s.3)	
Function Performed	Authority to Appoint Registration Officers to exercise the powers and duties conferred on a Registration Officer by this Act.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Dog Act 1976</i> s.3 - Terms Used
Power originally assigned to	Local Government
Power to Delegate	<i>Do Act 1976</i> s.10AA - Delegation of local government powers and duties
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Dog Act 1976</i> s.10AA - Delegation of local government powers and duties s.5.44 – CEO can delegate some powers and duties to the Community Development and Services Manager
Compliance Links	<i>Dog Act 1976</i> s.3 - Terms used <i>Dogs Local Law 2021</i>
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. New delegation	
2. Reviewed – 13 May 2022. Resolution # 9.3.6	

7.2 Keeping of dogs (number of) (s.26)

Function Performed	Authority to grant exemptions to the number of dogs that may be kept in or on premises.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Dog Act 1976</i> s.26 – Limitation as to numbers
Power originally assigned to	Local Government
Power to Delegate	<i>Dog Act 1976</i> s.10AA – Delegation of local government powers and duties
Power Delegated to	Chief Executive Officer
Council Conditions	Report to Council at the next Ordinary Meeting.
Power to Sub-Delegate	<i>Dog Act 1976</i> s.10AA – Delegation of local government powers and duties s.5.44 – CEO can delegate some powers and duties to the Community Development and Services Manager
Compliance Links	<i>Dogs Local Law 2021</i>

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. New delegation	
2. Reviewed – 13 May 2022. Resolution # 9.3.6	

PART 8 CAT ACT 2011

8.1 Delegation to Authorized Officers (s.44 & 45)	
Function Performed	The CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under another provision of this Act.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Cat Act 2011</i> s.3 - Terms Used
Power originally assigned to	Local Government
Power to Delegate	<i>Cat Act 2011</i> s.44, 45 & 46 - Delegation of local government powers and duties
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Cat Act 2011</i> s.45 & 46 - Delegation of local government powers and duties - CEO can delegate some powers and duties to the Community Development and Services Manager and Ranger
Compliance Links	<i>Cat Act 2011</i> s.3 - Terms used
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. New delegation	
2. Reviewed – 13 May 2022. Resolution # 9.3.6	

PART 9 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960

9.1 Establishing pounds and appointing pound-keepers and Rangers (s.449)

Function Performed	Authority to 1) Establish pounds 2) Appoint fit and proper persons to be pound keepers and Rangers
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government (Miscellaneous Provisions) Act 1960</i> s.449 - Pounds, establishing; pound-keepers and rangers, appointing
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 -CEO can delegate some powers and duties to the Community Development and Services Manager
Compliance Links	<i>Local Government Act 1995</i>

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. New delegation	
2. Reviewed – 13 May 2022. Resolution # 9.3.6	

PART 10 LAND ADMINISTRATION ACT 1997

10.1 Care, control and management of Reserves (s.46(2))	
Function Performed	To allow requests to be made regarding the care, control and management of the Shire of Meekatharra managed reserve in accordance with Section 46.(2) <i>Land Administration Act 1997</i>
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Statutory Power being Delegated:	<i>Land Administration Act 1997</i> s.46.(2) – Care, control and management of reserves
Power is Originally assigned to:	Local Government
Statutory Power of Delegation	<i>Local Government Act 1995</i> s.5.42 – Delegation of some powers or duties to the CEO s.5.43 – Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Conditions on Delegation:	Limited to giving consent of the management body of reserve (being limited to the Shire of Meekatharra).
Statutory Power to Sub-Delegate:	<i>Local Government Act 1995</i> s.5.44 - CEO can delegate some powers and duties to the Community Development and Services Manager
Compliance Links	<i>Local Government Act 1995</i> <i>Land Administration Act 1997</i>
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. New delegation	
2. Reviewed – 13 May 2022. Resolution # 9.3.6	

PART 11 LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

11.1 Donations (r.12)	
Function Performed	Authority to allocate amounts to applicants for donations, sponsorship, trophies and other such minor requests which promote community development.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government (Financial Management) Regulations 1996</i> r.12(1a) - Payments from municipal fund or trust fund, restrictions on making
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s.5.42 – Delegation of some powers or duties to the CEO s.5.43 – Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	<ol style="list-style-type: none"> 1) CEO may approve donations of up to \$500 in accordance with section 02.09 Council Policy 2019. 2) Application approvals and rejections must be co-signed by the Chief Executive Officer and Shire President. 3) Applications for donations can be received at any time. 4) The amount that can be approved will be assessed per application. 5) If the Chief Executive Officer has a declarable interest, the Deputy Chief Executive Officer will assess the application. 6) If the Shire President has a declarable interest, the Deputy Shire President will co- sign the application 7) All donations to be by cheque or bank transfer only, and 8) Report to Council next ordinary meeting.
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO has elected to not sub-delegate this role, with the exception of meeting the Council Conditions.
Compliance Links	Council Policy 2.09
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted – 22 June 2019: Resolution # 9.4.7	
2. Amended –27 June 2020, Resolution # 9.3.1	
3. Reviewed – 17 April 2021, Resolution # 9.3.4	
4. Reviewed – 13 May 2022. Resolution # 9.3.6	

11.2 Payment of accounts (r.12)

Function Performed	Payments from the Municipal or Trust Funds.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government (Financial Management) Regulations 1996</i> r.12 Payments from municipal fund or trust fund, restrictions on making
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Compliance with Regulations 11, 12 and 13 of the Local Government (Financial Management) Regulations 1996 and Council policies. Each payment from the Municipal Fund Bank Accounts and the Trust Fund Bank Accounts is to be noted on a list compiled each month showing: <ol style="list-style-type: none"> 1) The payee's name 2) The amount of the payment 3) The date of the payment 4) Sufficient information to identify the transaction
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO can delegate some powers and duties to the Deputy Chief Executive Officer Community Development and Services Manager
Compliance Links	<i>Local Government (Financial Management) Regulations 1996</i> r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc. <i>Local Government Act 1995</i> s.6.5 – Accounts and records Shire Meekatharra Policy Manual 2019

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted – 22 June 2019: Resolution # 9.4.7	
2. Amended – 27 June 2020, Resolution # 9.3.1	
3. Reviewed – 17 April 2021, Resolution # 9.3.4	
4. Reviewed – 13 May 2022. Resolution # 9.3.6	

**PART 12 LOCAL GOVERNMENT (UNIFORM LOCAL PROVISIONS)
REGULATIONS 1996**

12.1 Permission to have gate across public thoroughfare (r.9)	
Function Performed	Authority to assess and approve applications to construct a gate or other device across a public thoroughfare managed by the Local Government, that enables motor traffic to pass across the public thoroughfare and prevents livestock from straying.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.9 - Permission to have gate across public thoroughfare — Sch. 9.1 cl. 5(1)
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	The Officer shall have regard to s3.50 and 3.51 of the Local Government Act 1995
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO can delegate some powers and duties to the Works and Services Manager
Compliance Links	<i>Local Government Act 1995</i> s.9.60 & Sch.9.1 cl.5(1)
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. New delegation – amended from previous Delegation 5.05	
2. Reviewed – 13 May 2022. Resolution # 9.3.6	

12.2 Private works on, over, or under public places (r.17)	
Function Performed	Authority to grant permission to construct anything on, over or under a public thoroughfare or other public place that is local government property.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.17 - Private works on, over, or under public places — Sch. 9.1 cl.8
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	The Officer shall have regard to s3.50 and 3.51 of the Local Government Act 1995
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO can delegate some powers and duties to the Works and Services Manager
Compliance Links	<i>Local Government Act 1995</i> s.9.60 - Regulations that operate as local laws Sch 9.1 Cl.8 Private works on, over, or under public places
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. New delegation – amended from previous Delegation 5.05	
2. Reviewed – 13 May 2022. Resolution # 9.3.6	

12.3 Requirement to construct and repair crossing (r.13)	
Function Performed	<p>Authority to</p> <ol style="list-style-type: none"> 1. Give notice to an owner or occupier of land requiring the person to construct or repair a crossing. 2. Construct or repair the crossing if the person fails to comply with the notice, and recover 50% of the cost as a debt due from the person.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<p><i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.13 - Requirement to construct or repair crossing — Sch. 9.1 cl. 7(3)</p>
Power originally assigned to	Local Government
Power to Delegate	<p><i>Local Government Act 1995</i> s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO</p>
Power Delegated to	Chief Executive Officer
Council Conditions	In accordance with Council Policy 5.07 - Crossovers
Power to Sub-Delegate	<p><i>Local Government Act 1995</i> s.5.44 CEO has elected to not sub-delegate this role, with the exception of meeting the Council Conditions.</p>
Compliance Links	<p><i>Local Government Act 1995</i> s.9.60(4) – Regulations that operate as local laws Schedule 9.1 cl 7 Council Policy 5.07: Crossovers</p>
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. New delegation	
2. Reviewed – 13 May 2022. Resolution # 9.3.6	

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

12.4

Dangerous excavation in or near public thoroughfare (r.11)

1. New delegation	
2. Reviewed – 13 May 2022. Resolution # 9.3.6	

12.5

Obstruction of footpaths and thoroughfares (r.5, r.6, r.7A & r.7)

Function Performed	<ol style="list-style-type: none"> 1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: <ol style="list-style-type: none"> a. prevent damage to the footpath; or b. prevent inconvenience to the public or danger from falling materials [r.5(2)]. 2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [r.6(2) and (4)]. 3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [r.6(6)]. 4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [r.7A]. 5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [r.7].
Power being Delegated	Local Government (Uniform Local Provisions) Regulations 1996 r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a) r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b) r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer can delegate some powers and duties to the Deputy Chief Executive Officer
Council Conditions	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.

12.5 Obstruction of footpaths and thoroughfares (r.5, r.6, r.7A & r.7)	
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO can delegate some powers and duties to the Deputy Chief Executive Officer
Compliance Links	Determination of Bond Value and Conditions are specified in Delegation 12.6 of the Delegated Authority Manual: Obstruction of public thoroughfare by things placed and left. Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i> .
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. New delegation	
2. Reviewed – 13 May 2022. Resolution # 9.3.6	

PART 13 CARAVAN PARKS AND CAMPING GROUNDS ACT 1995

13.1 Managing infringement notices (s.23)			
Function Delegated	Authority to 1) Issue an infringement notice for an offence against this Act. 2) Vary or withdraw an Infringement notice for an offence against this Act.		
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>			
Power being Delegated	<i>Caravan Parks and Camping Grounds Act 1995</i> s.23 – Infringement notices		
Power originally assigned to	Local Government		
Power to Delegate	<i>Caravan Parks and Camping Grounds Act 1995</i> s.23 - Infringement notices		
Power Delegated to	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> Issue Infringements (Subsection (2)) Deputy Chief Executive Officer Community Development & Services Manager Officer Environmental Health Officer Shire Ranger </td> <td style="width: 50%; vertical-align: top;"> Withdraw Infringements (Subsection, (5) & (7)) Chief Executive </td> </tr> </table>	Issue Infringements (Subsection (2)) Deputy Chief Executive Officer Community Development & Services Manager Officer Environmental Health Officer Shire Ranger	Withdraw Infringements (Subsection, (5) & (7)) Chief Executive
Issue Infringements (Subsection (2)) Deputy Chief Executive Officer Community Development & Services Manager Officer Environmental Health Officer Shire Ranger	Withdraw Infringements (Subsection, (5) & (7)) Chief Executive		
Council Conditions	Nil		
Power to Sub-Delegate	As above		
Compliance Links	Nil		
DELEGATION ADMINISTRATION			
Decision Reference	Decision Reference		
1. New delegation			
2. Reviewed – 13 May 2022. Resolution # 9.3.6			

PART 14 HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911

14.1 Appointment of Deputies (s.26)	
Function Delegated	Officers are appointed as Deputies to carry out the powers and functions of the Local Government under the <i>Health (Miscellaneous Provisions) Act 1911</i> .
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Health (Miscellaneous Provisions) Act 1911</i> s.26 - Powers of local government
Power originally assigned to	Local Government
Power to Delegate	<i>Health (Miscellaneous Provisions) Act 1911</i> s.26 - Powers of local government
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	Chief Executive Officer can delegate some powers and duties to the Deputy Chief Executive Officer, Community Development & Services Manager and the Environmental Health Officer
Compliance Links	Nil
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. New delegation	
2. Reviewed – 13 May 2022. Resolution # 9.3.6	

PART 15 HEALTH (ASBESTOS) REGULATIONS 1992

15.1 Appoint Authorised and Approved Officers (r.15D)	
Function Delegated	Authority to: <ol style="list-style-type: none"> 1) Appoint Officers as Authorised Officers for the purpose of the <i>Criminal Procedure Act 2004</i> to issue infringements under the <i>Health (Asbestos) Regulations 1992</i>. 2) Manage infringements issued under the <i>Health (Asbestos) Regulations 1992</i> as an Approved Officer for the purpose of the <i>Criminal Procedure Act 2004</i>.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Health (Asbestos) Regulations 1992</i> r.15D – Infringement Notices
Power originally assigned to	Local Government
Power to Delegate	<i>Health (Asbestos) Regulations 1992</i> r.15D – Infringement Notices
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	CEO has elected to not sub-delegate this role.
Compliance Links	<i>Criminal Procedure Act 2004</i> Part 2 - Dealing with alleged offenders without prosecuting them
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
<ol style="list-style-type: none"> 1. New delegation 2. Reviewed – 13 May 2022. Resolution # 9.3.6 	

PART 16 BUILDING REGULATIONS 2012

16.1 Appoint Approved and Authorised Officers (r.70)			
Function Delegated	Officers are appointed as Approved Officers and Authorised Officers for the purpose of the <i>Criminal Procedure Act 2004</i> to issue infringements and withdraw infringements under the <i>Building Regulations 2012</i>		
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>			
Power being Delegated	<i>Building Regulations 2012</i> r.70 – Approved Officers and Authorised Officers		
Power originally assigned to	Local Government		
Power to Delegate	<i>Building Regulations 2012</i> r.70 – Approved Officers and Authorised Officers		
Power Delegated to	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> Authorised Officer (Issue Infringements) Deputy Chief Executive Officer Community Development & Services Manager </td> <td style="width: 50%; vertical-align: top;"> Approved Officer (Withdraw Infringements) Chief Executive Officer </td> </tr> </table>	Authorised Officer (Issue Infringements) Deputy Chief Executive Officer Community Development & Services Manager	Approved Officer (Withdraw Infringements) Chief Executive Officer
Authorised Officer (Issue Infringements) Deputy Chief Executive Officer Community Development & Services Manager	Approved Officer (Withdraw Infringements) Chief Executive Officer		
Council Conditions	Nil		
Power to Sub-Delegate	As above		
Compliance Links	<i>Criminal Procedure Act 2004</i> Part 2 - Dealing with alleged offenders without prosecuting them		
DELEGATION ADMINISTRATION			
Decision Reference	Decision Reference		
1. New delegation			
2. Reviewed – 13 May 2022. Resolution # 9.3.6			

**PART 17 FINES, PENALTIES AND INFRINGEMENT NOTICES
ENFORCEMENT ACT 1994**

17.1 Registration of infringement notice (s.16 & s.22)	
Function Performed	Officers are appointed as Prosecuting Officers to register and withdraw infringements with the Fines and Enforcements Registry.
Power being Delegated	<i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i> s.16 – Registration of infringement notice: enforcement certificate s.22 – Prosecuting authority may withdraw proceedings
Power originally assigned to	Local Government
Power to Delegate	<i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i> s.13(3) – Registration of infringement notice: enforcement certificate
Power Delegated to	Chief Executive Officer Deputy Chief Executive Officer Community Development & Services Manager Shire Ranger
Council Conditions	Authorised Prosecutions Officers must ensure they have written permission from the Chief Executive Officer before withdrawing proceedings in accordance with s.22 of the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i> .
Power to Sub-Delegate	As above
Compliance Links	<i>Fines, Penalties and Infringement Notices Enforcement Regulations 1994</i> Shire Meekatharra Local Laws
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. New delegation	
2. Reviewed – 13 May 2022. Resolution # 9.3.6	