

Shire of  
**BROOKTON**

Delegation Register



*Reviewed and Adopted: August 2017 (Ordinary Council Meeting 17 August 2017)*

# Table of Content

<b>INTRODUCTION .....</b>	<b>4</b>
<b>COUNCIL DELEGATIONS .....</b>	<b>5</b>
1.1 Payment from Trust and Municipal Funds.....	5
1.2 Insurance Renewal .....	6
1.3 Tenders for Budgeted Items.....	7
1.4 Investments.....	8
1.5 Disposal of Fixed Assets.....	9
1.6 Removal Expenses .....	11
1.7 Staff Housing .....	12
1.8 Management - Engagement of Professional Service .....	13
1.9 Local Laws Administration .....	14
1.10 Liquor – Licensing and Permits (Council Property) .....	15
1.11 Rate Book .....	16
1.12 Road Closures – Temporary .....	17
1.13 Native Title .....	18
1.14 Impounding Goods – Authorised Employee.....	19
1.15 Offences - Bush Fires Act .....	20
1.16 Sale of Impounded/Seized/Confiscated Vehicles, Animals or Goods .....	21
1.17 Proceedings under Dog Act .....	22
1.18 Gates .....	23
1.19 Health Act - Notices and Orders .....	24
1.20 Development Applications – Advertising.....	25
1.21 Traffic Regulatory Signs.....	26
1.22 Events on Roads.....	27
1.23 Restricted Access Vehicles (RAV) .....	28
1.24 Additional Powers Exercised When Notices Given Requiring Certain Things to be done by Owners or Occupiers of Land.....	29
1.25 Lodgement of Caveats .....	30
1.26 Reserves under Control of a Local Government .....	31

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1.27	Thoroughfares: Notification to Affected Owners.....	32
1.28	Thoroughfares: Ensuring Public Access Maintained .....	33
1.29	Powers of Entry onto Land.....	34
1.30	Execution of Leases.....	35
1.31	Committee - Community Housing .....	36
1.32	Committee – Les McMullen Memorial Recreation Grants .....	37
1.33	Registration of Dogs.....	38
1.34	Planning Compliance .....	39
1.35	Authorised Officers.....	40
1.36	Purchasing Authority .....	41
1.37	Specific Provisions under Town Planning Scheme No. 3.....	42
1.38	Common Seal .....	43
1.39	Authorised Officer – Food Act 2008 .....	44
1.40	Variations to Firebreak Order.....	45
1.41	Building Matters – Permits, Certificates & Orders .....	46
1.42	Building Matters – Building Authorisations .....	47
1.43	Building Matters – Fines, Penalties & Enforcement .....	48
1.44	Employment Committee.....	49
1.45	Use of Corporate Credit Cards.....	50
1.46	Legal Representation for Council Members and Employees .....	51
1.47	Appointed / Designated Officers (Direct from the relevant Act).....	52
1.48	Graffiti Vandalism Act 2013.....	54

## **INTRODUCTION**

The Council's ***Delegation Register*** is a set of delegations adopted by the Council, pursuant to sections 5.14 and 5.42 of the Local Government Act 1995, and this Register meets the obligations of sections 5.18 and 5.46 of that Act.

The Council (and delegator) is required by statute to formally review the Delegations contained within this document at least once per annum.

The Delegation Register compliments the Local Government Policies (Corporate and Administration) under general powers pursuant to section 5.41 (d) of the Local Government Act 1995.

A Person with a Delegation or Sub-Delegation, pursuant to sections 5.71, 5.75 and 5.76 of the Local Government Act 1995, is bound to disclose financial interest and impartiality declarations and also required to lodge Primary and Annual Financial Interest Declarations Returns.

## **COUNCIL DELEGATIONS**

### **1.1 Payment from Trust and Municipal Funds**

<b>Date Adopted</b>	<b>March 2006</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S5.42 and S6.10</b>
<b>References</b>	<b>Local Government (Financial Management) Regulations 1996 r. 12 &amp; r. 13</b> <b>Management Policy 1.18 – Bank Signatories</b>

#### **Delegation**

Council delegates its authority and power to the Chief Executive Officer to make payments from the Trust and Municipal Funds of the Shire of Brookton.

This function can be performed by the Deputy Chief Executive Officer, Community Services Manager, Senior Finance Officer and Executive Officer acting through the Chief Executive Officer in accordance with Section 5.45 of the Local Government Act 1995.

#### **Conditions**

Compliance with Local Government (Financial Management) Regulations 12 and 13 and Council Policy 1.18 – Bank Signatories.

## **1.2 Insurance Renewal**

<b>Date Adopted</b>	<b>March 2006</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S5.42</b>
<b>References</b>	<b>Local Government Act 1995 S6.10</b>

### **Delegation**

Council delegates its authority and power to the Chief Executive Officer to enter into appropriate contracts of insurance through the services of an Insurance Broker, appointed by Council.

This function can be performed by the Deputy Chief Executive Officer and Senior Finance Officer acting through the Chief Executive Officer in accordance with Section 5.45 of the Local Government Act 1995.

### **Conditions**

Nil.

### **1.3 Tenders for Budgeted Items**

<b>Date Adopted</b>	<b>March 2006</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S5.42</b>
<b>References</b>	<b>Local Government Act 1995 S3.57, S6.10</b> <b>Local Government (Functions and General) Regulations Part 4.</b>

#### **Delegation**

Council delegates its authority and power to the Chief Executive Officer to arrange advertisements inviting tenders for specific items included in the Budget worth, or expected to be worth, more than \$150,000 that do not, in his opinion, require Council approval of design and specification. (e.g. Plant, Machinery etc.). Tenders received shall be presented to Council for decision.

Council delegates its authority and power to the Chief Executive Officer to make minor variations to a contract for goods and services before entering into a contract on behalf of the Shire of Brookton with the successful tenderer.

#### **Conditions**

Compliance with Local Government (Functions and General) Regulations 1996

## **1.4 Investments**

<b>Date Adopted</b>	<b>March 2006</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S5.42</b>
<b>References</b>	<b>Local Government Act 1995 S6.14</b> <b>Trustees Act 1962 – Part III</b> <b>Local Government (Financial Management) Regulations r. 19</b> <b>Management Policy 2.17 - Investment Management Strategy</b>

### **Delegations**

Council delegates its authority and power to the Chief Executive Officer to invest money held in the Municipal or Trust Funds that is not required for the time being for any purpose in accordance with Part III of the Trustees Act 1962 or in an investment approved by the Minister.

This function can be performed by the Deputy Chief Executive Officer and Senior Finance Officer acting through the Chief Executive Officer in accordance with Section 5.45 of the Local Government Act 1995.

### **Conditions**

1. Internal control procedures to be followed to ensure control over the investments.
2. Compliance with Clause 19 Local Government (Financial Management) Regulations 1996 and Council Policy.
3. Compliance with Council Policies 2.16 and 2.17 – Liquidly Management Strategy and Investment Management Strategy.
4. Compliance with CEO Management Policy 1.4 - Investment of Surplus Funds



## 1.5 Disposal of Fixed Assets

<b>Date Adopted</b>	<b>March 2006</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 - Sections 3.58, 5.42 and Local Government (Functions and General) Regulations 1996, Regulation 30(3)</b>
<b>References</b>	<b>Local Government Act 1995 S6.10</b>

### **Delegation**

#### **Disposal of Surplus Fixed Assets**

Council delegates its authority and power to the Chief Executive Officer to write-off, sell or dispose of, by calling for expressions of interest or any other fair and transparent means, items of surplus plant, light vehicles, equipment, materials, tools etc. which are no longer required, are deemed outmoded or no longer serviceable.

### **Conditions**

- Any sale organised by the Chief Executive Officer under this delegated authority shall be advertised in the local media and any other means to ensure maximum circulation.
- The Chief Executive Officer will determine if it is appropriate to advertise more extensively, having regard to the value and significance of the sale items. Any fixed assets written off should have an accumulative written down value not exceeding \$20,000 per financial year, nor an individual written down value of more than \$1,000.

#### **Disposal of Land**

The CEO is delegated authority to give effect to Council's Policy with respect to the Koornong Residential Estate, to dispose of land within the estate and to sign the necessary transfer and sale documents.

The CEO is delegated authority to dispose of land for the purposes of periodic or fixed term residential leasing of Council owned or managed properties but not otherwise (eg outright sale).

### **Conditions**

- Compliance with the provisions of the Local Government Act 1995, Section 3.58 (private treaty advertising etc), noting that if there are written submissions made not supporting the proposed disposition, the CEO is to refer the proposal to the Council for determination.
- Compliance with the Council's Policy entitled 'Koornong Residential Estate'.
- Compliance with the Council's Management Policy No. 1.21 'Common Seal' and Delegation No. 1.43 'Common Seal'.

#### **Disposal and or Trade of Motor Vehicles, Plant & Equipment**

Council delegates its authority and power to the Chief Executive Officer to sell or dispose of, either outright or by trade, by calling for expressions of interest or any other fair and transparent means, items of plant, vehicles, equipment, materials, tools etc. which are included in the Budget for disposition / trade.

### **Conditions**

- Compliance with the provisions of the Local Government Act 1995, Section 3.58 (including the sale (or trade) as consideration within a tender) and / or the Local Government (Functions and General) Regulations 1996, Regulation 30 (3) (the market value of the asset is less than \$20,000 or it is traded as part of an asset being acquired that is worth less than \$75,000).
- Compliance with Council Policy 1.2 'Council Committees – Terms of Reference', requiring referral to the Plant and Works Committee, all items of proposed major plant purchases. For the purposes of this condition, 'major' is defined as any item of Plant (or Motor Vehicle) proposed to be purchased that has a value greater than \$75,000.
- Achieving at least 80% of the Budgeted outright disposition price or staying within 10% of the Budgeted net trade price.

## **1.6 Removal Expenses**

<b>Date Adopted</b>	<b>March 2006</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S5.42</b>
<b>References</b>	<b>n/a</b>

### **Delegation**

Council delegates its authority and power to the Chief Executive Officer to determine the level of payment for removal expenses for any new employee that is appointed to a position with the Shire of Brookton.

### **Conditions**

1. The expenses being reasonable as to the circumstances and location of the new employee.
2. The expenses may include a motor vehicle kilometre rate allowance in lieu of fares for the employee's family plus out-of-pocket expenses, meals and sundries.

## **1.7 Staff Housing**

<b>Date Adopted</b>	<b>March 2006</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S5.42</b>
<b>References</b>	<b>Management Policy 1.11– Staff Housing and Housing Subsidy</b>

### **Delegation**

Council delegates its authority and power to the Chief Executive Officer to make all arrangements in regard to occupancy and maintenance of all staff accommodation provided by Council.

### **Conditions**

In exercising this delegation the Chief Executive Officer shall have regard to any Council Policy in place from time to time

## **1.8 Management - Engagement of Professional Service**

<b>Date Adopted</b>	<b>March 2006</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S5.42</b>
<b>References</b>	<b>n/a</b>

### **Delegation**

Council delegates its authority to the Chief Executive Officer to take the action deemed necessary with a view to engaging appropriate professional services and/or legal advisers to provide the appropriate services to facilitate and/or promote the functions of Council business.

This delegation can be performed by the Deputy Chief Executive Officer, Principal Works Supervisor, Community Services Manager and Executive Officer acting through the Chief Executive Officer in accordance with Section 5.45 of the Local Government Act 1995.

### **Conditions**

Full compliance is to be achieved in line with Council's Purchasing Policy.

## **1.9 Local Laws Administration**

<b>Date Adopted</b>	<b>March 2006</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S5.42</b>
<b>References</b>	<b>Local Government Act 1995 Part 9 S9.1 and S9.4</b>

### **Delegation**

Council delegates its authority and power to the Chief Executive Officer to administer its Local Laws and initiate legal action if considered necessary.

### **Conditions**

Regard to be taken of any Local Law in respect to the particular subject and S9.1 and S9.4 of the Local Government Act 1995.

## **1.10 Liquor – Licensing and Permits (Council Property)**

<b>Date Adopted</b>	<b>March 2006</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S5.42</b>
<b>References</b>	<b>Liquor Licensing Act 1988</b> <b>Management Policy 1.23 – Hall Hire</b>

### **Delegation**

Council delegates its authority and power to the Chief Executive Officer to approve applications for occasional liquor licences, liquor licences or permits for property under the care, control and management of Council.

### **Conditions**

Compliance with the Liquor Licensing Act 1988 and Management Policy 1.23.

## **1.11 Rate Book**

<b>Date Adopted</b>	<b>March 2006</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S5.42</b>
<b>References</b>	<b>Local Government Act 1995 Part 6 Division 6</b>

### **Delegation**

Council delegates its authority and power to the Chief Executive Officer for the performance of the following functions of Council:

1. The time allowed for the payment of the rate before it becomes in arrears – Section 6.50(2) of the Local Government Act 1995.
2. The exercise of discretion in regard to granting of any extension of time for service of objections to the Rate Book – Section 6.76(4) of the Local Government Act 1995.
3. The recovery of rates by complaint or action pursuant to the provisions of Section 6.56(1) of the Local Government Act 1995.
4. Entering into an agreement in accordance with Section 6.49 of the Local Government Act 1995.
5. Requiring a lessee to pay rent to the Council in satisfaction of rates and service charges due and payable in accordance with Section 6.60(2) of the Local Government Act 1995.

This function can be performed by the Deputy Chief Executive Officer and Senior Finance Officer acting through the Chief Executive Officer in accordance with Section 5.45 of the Local Government Act 1995.

### **Conditions**

Nil.



## **1.12 Road Closures – Temporary**

<b>Date Adopted</b>	<b>March 2006</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S5.42</b>
<b>References</b>	<b>Local Government Act 1995 S3.50 and S3.51 Local Government (Functions and General) Regulations 1996r.4, r.5 and r.6</b>

### **Delegation**

Council delegates its authority and power to the Chief Executive Officer to temporarily close a street or a portion of a street to vehicles for a period not exceeding 28 days in cases of emergency in connection with Council works or by reason of heavy rain or when a street is likely to be damaged by the passage of traffic of any particular class.

### **Conditions**

Refer to Clauses 3 - 6 of the Local Government (Functions and General) Regulations 1996.

Refer also Council Policy 1.21 Weather Related Road Closures.

## **1.13 Native Title**

<b>Date Adopted</b>	<b>March 2006</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S5.42</b>
<b>References</b>	<b>Native Title Act 1999</b>

### **Delegation**

Council delegates its authority and power to the Chief Executive Officer to register an interest in any native title claim affecting Council in order for Council to have sufficient interest to become a party to the native title application.

### **Conditions**

Nil.

## **1.14 Impounding Goods – Authorised Employee**

<b>Date Adopted</b>	<b>March 2006</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S5.42 and S3.39</b>
<b>References</b>	<b>Local Government (Functions and General) Regulations 1996 Part 6</b>

### **Delegation**

Council delegates its authority and power to the Chief Executive Officer to remove and impound any goods that are involved in a contravention that can lead to impounding. The authorizations referred to in this delegation are those required under Section 3.39(1) of the Local Government Act 1995.

This function can be performed by the Principal Works Supervisor acting through the Chief Executive Officer in accordance with Section 5.45 of the Local Government Act 1995.

### **Conditions**

Subject to the express provisions contained in the Local Government Act 1995 and Local Government (Functions and General) Regulations 1996 Part 6.

## **1.15 Offences - Bush Fires Act**

<b>Date Adopted</b>	<b>March 2006</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S5.42</b>
<b>References</b>	<b>Bush Fires Act 1954 S.59 (3) and S.59A</b>

### **Delegation**

Council delegates its authority and power to the Chief Executive Officer to consider allegations of offences alleged to have been committed against the Bush Fires Act 1954 in the district of the Shire of Brookton and, if the Chief Executive Officer thinks fit, to institute and carry on proceedings in the name of the Shire of Brookton against any person alleged to have committed any of those offences.

This delegation extends to the issue and/or withdrawal of infringement notices in accordance with the provisions of Section 59A of the Bush Fires Act 1954.

### **Conditions**

Nil.

## **1.16 Sale of Impounded/Seized/Confiscated Vehicles, Animals or Goods**

<b>Date Adopted</b>	<b>March 2006</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S5.42</b>
<b>References</b>	<b>Local Government Act 1995 S3.47 and S3.58</b> <b>Local Government (Functions and General) Regulations Part 4</b>

### **Delegation**

Council delegates its authority and power to the Chief Executive Officer to dispose of any vehicles, animals or goods that have been impounded/seized/confiscated under the provisions of Section 3.47 and 3.58 of the Local Government Act 1995.

### **Conditions**

Any sale organised by the Chief Executive Officer under this delegated authority shall be advertised in the local media and any other means to ensure maximum circulation.

The Chief Executive Officer will determine if it is appropriate to advertise more extensively, having regard to the value and significance of the sale items.

## **1.17 Proceedings under Dog Act**

<b>Date Adopted</b>	<b>March 2006</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S5.42</b>
<b>References</b>	<b>Dog Act 1976 s.29, s.33E and s.44</b>

### **Delegation**

In accordance with Section 44 of the Dog Act 1976, the Chief Executive Officer has delegated authority to institute and carry on proceedings in the name of the Shire of Brookton in respect to offences alleged to have been committed within the district of the Shire of Brookton against the Dog Act.

This delegation also enables the Chief Executive Officer to issue infringement notices pursuant to the provisions of Section 29 of the Dog Act 1976.

This delegation also enables the Chief Executive Officer to Declare Dangerous Dogs pursuant to the Section 33E of the Dog Act 1976.

### **Conditions**

Nil.

## **1.18 Gates**

<b>Date Adopted</b>	<b>March 2006</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S5.42</b>
<b>References</b>	<b>Local Government Act 1995 Schedule 9.1 cl.5</b>

### **Delegation**

Council delegates its authority and power to the Chief Executive Officer to approve the erection of gates on road reserves.

### **Conditions**

In any circumstances considered controversial the applications are to be referred to Council.

A Register of Gates with fences / gates across road reserves is required pursuant to legislation – Local Government Act 1995, Schedule 9.1, cl 5.

## 1.19 Health Act - Notices and Orders

<b>Date Adopted</b>	<b>March 2006</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Public Health Act 2016</b>
<b>References</b>	<b>Health Act 1911; Public Health Act 2016</b>

### **Delegation**

Council delegates its authority and power to the appointed Environmental Health Officer to exercise and discharge all of the following powers and functions under the Health Act 1911 and Public Health Act 2016 as an authorised officer:

1. The forming of opinions and making of declarations.
2. The grant and issue of licences, permits, certificates and approvals.
3. The issue of notices, orders and requisitions and the carrying out and putting into effect of notices, orders and requisitions.
4. The ordering and authorisation of legal proceedings for breaches of the Act and all Regulations, Local Laws and Orders made there under.

### **Conditions**

1. Subject to the provisions of the Health Act, **Public Health Act 2016**; Local Laws and Council Policies.
2. Applicant must be advised of objections and/or appeal rights.



## **1.20 Development Applications – Advertising**

<b>Date Adopted</b>	<b>March 2006</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Planning and Development (Local Planning Schemes) Regulations 2015</b>
<b>References</b>	<b>Town Planning Scheme No. 3; Policy 3.14 Signage within Zoned and/or Reserved Land</b>

### **Delegation**

The Chief Executive Officer has delegated authority to advertise development applications for public comment where the Chief Executive Officer considers such applications should have public comment prior to consideration by Council and to make available from Council's files information regarding the development application so that the public are in a position to make a proper assessment.

### **Conditions**

Compliance with Town Planning Scheme No. 3..

## **1.21 Traffic Regulatory Signs**

<b>Date Adopted</b>	<b>March 2006</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S5.42</b>
<b>References</b>	<b>Main Roads WA Guideline “Traffic Signals” D09#88641</b>

### **Delegation**

Council delegates its authority and power to the Chief Executive Officer to install appropriate traffic regulatory signs at such places as the Chief Executive Officer considers necessary.

### **Conditions**

Subject to Main Roads WA approval if appropriate.

## **1.22 Events on Roads**

<b>Date Adopted</b>	<b>March 2006</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S5.42</b>
<b>References</b>	<b>Road Traffic (Events on Roads) Regulations 1991</b> <b>Local Government Act 1995 S3.50</b>

### **Delegation**

Council delegates its authority and power to the Chief Executive Officer to determine applications for the temporary closure of roads for the purpose of conducting events in accordance with the Road Traffic (Events on Roads) Regulations 1991.

### **Conditions**

The Chief Executive Officer shall have regard to Section 3.50 of the Local Government Act 1995.

## **1.23 Restricted Access Vehicles (RAV)**

**Date Adopted**

**Date Reviewed**

**Aug 2017**

**Authority**

**Local Government Act 1995 S5.42**

**References**

**Council Policy 1.24 - Restricted Access Vehicles  
Road Traffic Act 1974; Road Traffic (Vehicle Standards) Rules  
and Regulations 2002**

**Delegation**

Council delegates its authority and power to the Chief Executive Officer to issue Letters of Approval to RAV operators specifying which roads they may use and the conditions that apply to that use.

**Conditions**

Compliance with Council Policy 1.24 – Restricted Access Vehicles.

## **1.24 Additional Powers Exercised When Notices Given Requiring Certain Things to be done by Owners or Occupiers of Land**

<b>Date Adopted</b>	<b>March 2006</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S5.42</b>
<b>References</b>	<b>Local Government Act 1995 S3.25</b>

### **Delegation**

Council delegates its authority and power to the Chief Executive Officer to issue notices pursuant to Section 3.25 of the Local Government Act 1995 to owners and occupiers of land requiring certain things to be done.

Council delegates its authority and power to the Chief Executive Officer, to take what action is deemed necessary to cover the costs incurred in achieving the purpose for which a notice was given pursuant to Section 3.25 of the Local Government Act from persons who failed to comply with the said notice.

### **Conditions**

Subject to the express provisions of the Local Government Act 1995 and Council Policies.

## **1.25 Lodgement of Caveats**

<b>Date Adopted</b>	<b>2006</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S5.42</b>
<b>References</b>	<b>Local Government Act 1995 S6.64</b>

### **Delegation**

Council delegates its authority and power to the Chief Executive Officer to lodge a caveat to preclude dealings in respect of land where payment of rates or service charges imposed in respect to the land is unpaid for at least (3) three years.

### **Conditions**

Nil.

## **1.26 Reserves under Control of a Local Government**

<b>Date Adopted</b>	<b>March 2006</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S5.42</b>
<b>References</b>	<b>Local Government Act 1995 S3.54</b>

### **Delegation**

Council delegates its authority and power to the Chief Executive Officer to control and manage land that is vested or placed under the control and management of the Local Government.

### **Conditions**

Nil.

## **1.27 Thoroughfares: Notification to Affected Owners**

<b>Date Adopted</b>	<b>March 2006</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S5.42</b>
<b>References</b>	<b>Local Government Act 1995 S3.51 (3)</b> <b>Local Government (Functions and General) Regulations 1996</b>

### **Delegation**

Council delegates its authority and power to the Chief Executive Officer to ensure the requirements of Section 3.51(3) of the Local Government Act 1995 are observed relating to affected land owners being notified of proposals and allowed a reasonable time to make submissions in order that such may be considered.

### **Conditions**

Refer to r.4 to r.6 of the Local Government (Functions and General) Regulations 1996.



## **1.28 Thoroughfares: Ensuring Public Access Maintained**

<b>Date Adopted</b>	<b>March 2006</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S5.42</b>
<b>References</b>	<b>Local Government Act 1995 S3.51 (3)</b> <b>Local Government (Functions and General) Regulations 1996</b>

### **Delegation**

Council delegates its authority and power to the Chief Executive Officer to ensure the requirements of Section 3.51(3) of the Local Government Act 1995 are observed relating to affected land owners being notified of proposals and allowed a reasonable time to make submissions in order that such may be considered.

### **Conditions**

Refer to r.4 to r.6 of the Local Government (Functions and General) Regulations 1996.

## **1.29 Powers of Entry onto Land**

<b>Date Adopted</b>	<b>March 2006</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S5.42</b>
<b>References</b>	<b>Local Government Act 1995 Part 3 Division 3 Subdivision 4</b>

### **Delegation**

Council delegates its authority and power to the Chief Executive Officer to undertake the functions and duties required under the Local Government Act 1995 in respect of:

Section 3.39 - Appointment of Authorised Persons for the purpose of removing and impounding goods that are involved in the contravention which can lead to impounding.

Section 3.40 - Removal of Vehicle and impounding of goods by an authorised person.

Section 3.42 - Action required in respect to impounding of non-perishable goods.

Section 3.44 - The Issue of Notices regarding collection of goods if not confiscated.

Section 3.46 - Withholding of goods pending payment of costs.

Section 3.47 - The Disposal of confiscated or uncollected goods.

Section 3.48 - Recovery of Costs incurred in the impounding exercise.

### **Conditions**

Requirements of r.29 of the Local Government (Functions and General) Regulations 1996 and Council Policies.

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## **1.30 Execution of Leases**

<b>Date Adopted</b>	<b>March 2006</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S5.42</b>
<b>References</b>	<b>Management-Policy – 1.21 Common Seal</b>

### **Delegation**

Council delegates its authority and power to the Chief Executive Officer to execute and apply the Council common seal to new leases for properties that Council has previously resolved to lease.

### **Conditions**

1. Compliance with Local Government Act 1995 and any other written law.
2. Compliance with Management Policy 1.21 – Common Seal.
3. Chief Executive Officer and Shire President jointly to sign the lease document.
4. The following wording for Council motions is to read as follow:

*“That Council authorise the Shire President and the Chief Executive Officer to execute the relevant documentation and affix the common seal of the Shire of Brookton on this documentation.”*

### **1.31 Committee - Community Housing**

<b>Date Adopted</b>	<b>June 2008</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S5.17</b>
<b>References</b>	<b>Local Government Act 1995 S3.18</b> <b>Council Policy 1.2 Council Committees</b>

#### **Delegation**

Council delegates its authority and power to the Community Housing Committee to select suitable tenants when vacancies arise at the Madison Square units.

#### **Conditions**

Nil.

## **1.32 Committee – Les McMullen Memorial Recreation Grants**

<b>Date Adopted</b>	<b>May 1996</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S5.17</b>
<b>References</b>	<b>Local Government Act 1995 S3.18</b> <b>Council Policy 1.2 Council Committees</b>

### **Delegation**

Council delegates its authority and power to the Les McMullen Memorial Recreation Grants Committee to award grants to eligible sporting bodies in accordance with the provisions of the estate of the late Mr Les McMullen.

### **Conditions**

Compliance with the provisions of the estate of the late Mr Les McMullen.

### **1.33 Registration of Dogs**

<b>Date Adopted</b>	<b>May 2009</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S5.44</b>
<b>References</b>	<b>Dog Act 1976 S.11 – Staff and Services</b>

#### **Delegation**

Council appoints the following persons as Dog Registration Officers, either until their employment ceases or their appointment is rescinded by Council, whichever comes first:

Administration Officer  
Infrastructure Officer  
Executive Officer.

#### **Conditions**

Nil.

## **1.34 Planning Compliance**

<b>Date Adopted</b>	<b>March 2009</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S5.44</b>
<b>References</b>	<b>Town Planning Scheme no. 3 Clause 8.1(c)</b>

### **Delegation**

Council delegates its authority and power to the Chief Executive Officer to enter properties and buildings at all reasonable times for the purpose of ascertaining whether the provisions of the Town Planning Scheme are being complied with.

The CEO delegates this authority and power to the Governance Officer.

### **Conditions**

Nil.

## 1.35 Authorised Officers

<b>Date Adopted</b>	<b>May 2009</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S9.10</b>
<b>References</b>	<b>Various Acts and Regulations</b>

### Delegation

Council appoints the following persons as Authorised Officers, either until their employment ceases or their appointment is rescinded by Council, whichever comes first:

(a) **CEO** an authorised person for the Shire of Brookton under the:

1. Bush Fires Act 1954 and Regulations.
2. Planning and Development Act 2005
3. Planning and Development (Local Planning Schemes) Regulations 2015

(b) **CEO and Deputy CEO** as authorised persons for the Shire of Brookton under the:

4. Caravan Parks and Camping Grounds Act 1995
5. Caravan and Camping Ground Regulations 1997
6. Dog Act 1976 and Regulations
7. Litter Act 1979 and Regulations
8. Local Government (Miscellaneous Provisions) Act 1960
9. Local Government Act 1995
10. Control of Vehicles (Off-road Areas) Act 1978

11. Building Act 2011

12. Building Regulations 2012

13. Cat Act 2011 and Regulations

14. Emergency Management Act 2005

(c) **Environmental Health Officer** as an authorised person for the Shire of Brookton under the:

15. Public Health Act 2016

16. Food Act 2008

17. Caravan Parks and Camping Grounds Act 1995

18. Local Government (Miscellaneous Provisions) Act 1960 – all parts except Part XX.

(d) **Contracted Shire Ranger** as an authorised person for the Shire of Brookton under the:

19. Dog Act 1976 and Regulations

20. Local Government (Miscellaneous Provisions) Act 1960 Part XX.

21. Cat Act 2011 and Regulations

(e) **Building Surveyor** as an authorised person for the Shire of Brookton under the:

22. Building Act 2011

23. Building Regulations 2012

### Conditions

Nil.



## 1.36 Purchasing Authority

<b>Date Adopted</b>	<b>December 2008</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S5.44</b>
<b>References</b>	<b>Statutory Policy 2.11 Management Policy 1.16</b>

It is noted that the CEO has complete purchasing authority across all Budget lines (subject to Council's Policies and the tender threshold of \$149,999 plus GST) and that any officer appointed as Acting CEO has authority as though he or she was the CEO, unless in the instrument of acting appointment, it has been restricted in some manner by the Council or CEO.

### Sub-Delegation by the CEO

The purchasing function can be performed by the following officers relating to their 'Responsible Officer' general ledger / job account and limited through the Synergy Soft Purchasing System to the below dollar value limits (all excluding GST):

Deputy Chief Executive Officer	\$49,999
Principal Works Supervisor	\$49,999
Executive Officer	\$3,000
Environmental Health Officer	\$3,000
Community Services Manager	\$3,000

For expediency and practicality, the above officers also have general purchasing authority, across all Budget lines, subject to provision being contained in the Budget, regardless of the relevant 'Responsible Officer', for purchase orders up to and including \$999.

### Conditions

1. Provision for the purchase being contained in the Council's Budget and;
2. Compliance with all of the Council's Policies including;
  - 1.6 Contractors – Use on Works
  - 1.10 Management – Engagement of Professional Services
  - 1.16 Buy Local and;
  - 2.11 Purchasing.

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## 1.37 Specific Provisions under Town Planning Scheme No. 3

<b>Date Adopted</b>	<b>August 2009</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S 5.44;</b>
<b>References</b>	<b>Town Planning Scheme no. 3 Clause 8.9; cl 68 of Planning and Development (Local Planning Schemes) Regulations 2015; SPP 3.1 - Residential Design Codes 2015.</b>

### Delegation

Council delegates to the Chief Executive Officer the authority to:

- Issue planning approvals relating to Development Applications pursuant to CL ;
- Issue Council response to Western Australian Planning Commission for subdivision/amalgamation applications and clear conditions relating to subdivision and amalgamations;
- Sign outward correspondence relating to Town Planning matters;
- Sign strata titles in accordance with the Strata Titles Act;
- Determine and approve all Development Applications classified as a “P” and “AA” use under the Shire of Brookton’s Town Planning Scheme No. 3 Table 1 – Zoning Table;
- Determine and approve Grouped Dwelling Development Applications that comply with the Residential Design Codes (2015) and Town Planning Scheme No. 3;
- Determine and approve Single Dwelling Development Applications that comply with Town Planning Scheme No. 3, on Commercial, Industrial, Rural Town site and Farming zoned land;
- Determine and approve Development Applications in Avon River South Flood Plain areas that comply with the Residential Design Codes (2015) and Town Planning Scheme No. 3;
- Determine and approve Outbuilding Development Applications that comply with the Residential Design Codes (2015), the Shire of Brookton’s Outbuilding Policy and Town Planning Scheme No. 3;
- Determine and approve Development Applications that contain minor variations to Town Planning Scheme No. 3 or the Residential Design Codes (2015);
- Issue certificates of compliance for the Residential Design Codes (2015);
- Respond to development applications relating to public housing from the Department of Housing and be the principal Shire contact point for the Department of Housing; and
- Determine and respond to subdivision referrals from the Western Australian Planning Commission, which relate to the alignment of roads or do not exceed creation of five (5) new additional lots;
- Approve signage applications where planning approval has not lapsed pursuant to Clause 7.1 of the Town Planning Scheme, No. 3 and;
- Determine and approve Home Based Occupation Permits.

### Conditions

Nil.

### **1.38 Common Seal**

<b>Date Adopted</b>	<b>May 2010</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S5.42</b>
<b>References</b>	<b>S 9.49A, S 9.49B</b>

#### **Delegation**

Council delegates its authority and power to the Chief Executive Officer to affix the common seal to documents to be executed by the Shire where such documents are consistent and in accord with a resolution of Council or Management Policy 1.21 – Common Seal.

#### **Conditions**

1. Use of the seal to be recorded in the Council's Seal Register (magiq ID 4141).
2. The following wording to be used for Council motions in relation to affixing the Common Seal:

*"That Council authorise the Shire President and the Chief Executive Officer to execute the relevant documentation and affix the common seal of the Shire of Brookton on this documentation."*

### **1.39 Authorised Officer – Food Act 2008**

<b>Date Adopted</b>	<b>June 2010</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 s. 5.42 and s. 5.44</b>
<b>References</b>	<b>Food Act 2008 and Public Health Act 2016</b>

#### **Delegation**

1. Council delegates its authority and powers to the Chief Executive Officer to exercise and discharge all or any of the powers or functions of the local government pursuant to the Public Health Act 2016 and in regard to the following sections of the Food Act 2008:
  - Appoint authorised officers in accordance with section 122.
  - Appoint designated officers to issue infringement notices in accordance with section 126(2).
  - Appoint designated officers to extend the payment period for infringement notices or withdraw infringement notices in accordance with sections 126(6) and 126(7).
2. Council delegates its authority and powers to the Chief Executive Officer to exercise and discharge all or any of the powers and functions of the local government pursuant to the Public Health Act 2016 and in regard to the following sections of the Food Act 2008:
  - Issue prohibition orders in accordance with section 65.
  - Clear and remove a prohibition order in accordance with section 66.
  - Provide written notification not to issue a certificate of clearance in accordance with section 67.
  - Grant, apply conditions, refuse, vary, or cancel registration of a food business in accordance with section 110 and 112.

This function can be performed by the Environmental Health Officer acting through the Chief Executive Officer in accordance with Section 5.45 of the Local Government Act 1995.

#### **Conditions**

Nil.

## **1.40 Variations to Firebreak Order**

<b>Date Adopted</b>	<b>August 2010</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S 5.42</b>
<b>References</b>	<b>Bush Fires Act 1954 s.48</b>

### **Delegation**

Council delegates its authority and power to the Chief Executive Officer to determine applications for the provision of firebreaks in alternative positions and to determine applications for the provision of alternative fire protection measures on the land, in accordance with the provisions of Clause 7.1 of Council's Firebreak Order and in consultation with the Chief Bush Fire Control Officer.

### **Conditions**

- The Chief Executive Officer has the right to grant, refuse, alter or add any conditions to any application.
- No exemptions can be issued.

## **1.41 Building Matters – Permits, Certificates & Orders**

<b>Date Adopted</b>	<b>April 2012</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Building Act 2011 s.127</b>
<b>References</b>	<b>Town Planning Scheme No. 3</b> <b>Building Code of Australia; Building Regulations 2012</b>

### **Delegation**

Pursuant to the Building Act 2011, Section 127, Council delegates its authority and power to the Chief Executive Officer, Deputy Chief Executive Officer, Building Surveyor to perform the duties and functions of the Building Act 2011 pertaining to buildings and associated incidental structures:

- Section 20 – Granting of Building Permits
- Section 21 – Granting of Demolition Permits
- Section 22 – Refusal of Permits
- Section 58 – Granting and Refusing Occupancy Permits and Building Approval Certificates
- Section 65 – Consider Extending the Period of Duration of an Occupancy Permit or Building Approval Certificate
- Section 110 – Issue Building Orders
- Section 117 – Revoke Building Orders

### **Conditions**

Compliance with Building Regulations 2012 and the Building Code of Australia, and other relevant Local Laws and Policies.

## **1.42 Building Matters – Building Authorisations**

<b>Date Adopted</b>	<b>April 2012</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Building Act 2011 Part 8</b>
<b>References</b>	<b>Town Planning Scheme No. 3</b> <b>Building Code of Australia; Building Regulations 2012</b>

### **Delegation**

Pursuant to the Building Act 2011, Part 8 - enforcement, Council delegates its authority and power to the Chief Executive Officer, Deputy Chief Executive Officer, **and** Building Surveyor in respect of compliance matters pertaining to buildings and associated incidental structures:

- Section 100 – Entry Powers
- Section 101 – Powers After Entry for Compliance Purposes
- Section 102 – Obtaining Information & Documents
- Section 103 – Use of Force and Assistance
- Section 106 – Application for Warrant to Enter a Place

### **Conditions**

Compliance with Building Regulations 2012, the Building Code of Australia, and other relevant Local Laws and Policies.

## **1.43 Building Matters – Fines, Penalties & Enforcement**

<b>Date Adopted</b>	<b>April 2012</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Building Act 2011 Part 8</b>
<b>References</b>	<b>Town Planning Scheme No. 3 Building Code of Australia; Building Regulations 2012</b>

### **Delegation**

Pursuant to the Building Act 2011, Part 8 - Enforcement, Council delegates its authority and power to the Chief Executive Officer, Deputy Chief Executive Officer, Building Surveyor in respect of enforcement matters pertaining to buildings and associated incidental structures, and authorises them to prepare, sign and serve notices in relation to fines, penalties and enforcement: Section 96 – Authorised Persons

### **Conditions**

Compliance Building Regulations 2012, the Building Code of Australia, and other relevant Local Laws and Policies.



## **1.44 Employment Committee**

<b>Date Adopted</b>	<b>May 2016</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S5.17</b>
<b>References</b>	<b>Local Government Act 1995 S5.38 Council Policies 1.2 Council Committees and 1.10 CEO Performances and Salary Review</b>

### **Delegation**

Council delegates its authority and power to the Employment Committee to conduct the performance review and salary package review and amend the CEO's salary package.

### **Conditions**

Compliance with the terms of the contract, the Salaries and Allowances Tribunal CEO Determinations and to be conducted annually in April / May and prior to the Budget Meeting.

## **1.45 Use of Corporate Credit Cards**

<b>Date Adopted</b>	<b>May 2016</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S5.42</b>
<b>References</b>	<b>Council Policy 1.15 Use of Corporate Credit Cards</b>

### **Delegation**

The Shire of Brookton, in order to enhance daily purchasing processes and reduce administrative costs, will authorise the issue, by its preferred financial services provider, of corporate credit cards with a maximum credit limit of \$10,000, under delegated authority of the Chief Executive Officer.

### **Conditions**

1. Subject to the provisions of the Council Policies including 1.15 - Use of Corporate Credit Cards, 1.16 - Buy Local and 2.11 - Purchasing.

## **1.46 Legal Representation for Council Members and Employees**

<b>Date Adopted</b>	<b>May 2016</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Local Government Act 1995 S5.42</b>
<b>References</b>	<b>Council Policy 1.11 Legal Rep. for Council Members /Employees</b>

### **Delegation**

In cases where a delay in the approval of an application will be detrimental to the legal rights of the applicant, the CEO may exercise on behalf of Council any of the powers of Council (of the Policy) to a maximum of \$2,000 in respect of each application.

### **Conditions**

1. An application approved by the CEO is to be submitted to the next ordinary meeting of Council. Council may exercise any of its powers under this policy, including its power to revoke or vary the approval or any conditions of the approval.

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## 1.47 Appointed / Designated Officers (Direct from the relevant Act)

<b>Date Adopted</b>	<b>Sep 2016</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Various Acts as listed</b>
<b>References</b>	<b>Various Acts and Regulations</b>

### Delegation

The following persons are appointed as Authorised or Designated Officers, either until their employment ceases or their appointment is withdrawn by the Chief Executive Officer (CEO), whichever comes first:

- Rules of Conduct Complaints Officer*
  - Unless otherwise appointed by the Council, the Chief Executive Officer is designated as the Local Government's Complaints Officer for receiving, investigating and, if deemed valid, registering and reporting Elected Member breaches or alleged breaches of the Council's Code of Conduct or Rules of Conduct. Local Government Act 1995 (Section 5.120 (1) (2)).
- Public Interests Disclosure Officer*
  - The Chief Executive Officer has designated the Deputy CEO as the Local Government's Public Interest Disclosure Officer for receiving and registering disclosures of public information relating to matters falling within the sphere of responsibility of the Shire of Brookton. Public Interest Disclosure Act 2003 (Section 23 (1) (a)).
- Freedom of Information (FOI) Coordinator*
  - The Chief Executive Officer, as the Shire of Brookton's Principal Officer for the purposes of the Act, designates the Deputy CEO as the Council's Freedom of Information Coordinator, for receiving, investigating, registering and reporting Freedom of Information requests. Freedom of Information Act 1992 (Section 100 (1)).
- Freedom of Information Internal Review Officer*
  - The Chief Executive Officer has determined that the position of Chief Executive Officer is designated as the Local Government's Internal Review Officer. Freedom of Information Act 1992 (Section 41).
- Equal Employment Opportunity (EEO) Officer*
  - The Chief Executive Officer has determined that the position of Deputy CEO is designated as the Local Government's Equal Employment Opportunity Officer for implementing Council's Equal Employment Opportunity Management Plan and promoting Council's Equal Employment Opportunity Policy. Equal Opportunity Act 1984 (Section 145).
- Litter Officers*

- All members of the Council and all employees of the local government are authorised officers. Litter Act 1979 (Sections 26, 27, 27A and 30).

7. *Citizenship Officers*

- The Minister for Immigration and Citizenship, acting under subsection 27(5) of the Australian Citizenship Act 2007 authorises the classes or person from time to time holding, occupying or performing the duties of a person, mentioned in the Second Schedule to this Instrument, to receive a pledge of commitment.
- The following officers of the Shire of Brookton are authorised to receive a pledge of commitment;
  - President of the Shire
  - Deputy President of the Shire
  - Chief Executive of the Shire.

**Conditions**

Nil

## **1.48 Graffiti Vandalism Act 2013**

<b>Date Adopted</b>	<b>November 2016</b>
<b>Date Reviewed</b>	<b>Aug 2017</b>
<b>Authority</b>	<b>Graffiti Vandalism Act 2013, S16, S22</b>
<b>References</b>	

### **Delegation**

That Council note the introduction into Western Australian law of the Graffiti Vandalism Act 2013, and that Council delegate all of the local government's powers and ability to discharges all of its duties under section 16 of that statute to the Chief Executive Officer, including pursuant to section 22, the right to utilise and modify as necessary Forms 4 and 6 in Schedule 1 to the Local Government (Functions and General) Regulations 1996, noting that the officer may on delegate all or any of those powers as the officer deems fit.

### **Sub-Delegation by the CEO**

Nil

### **Conditions**

Nil