



Shire of Brookton Delegations Register

Adopted: 19 June 2025

REVIEW

Reviewed by	Date approved	References
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TABLE OF CONTENTS

INTRODUCTION	5
Introduction	5
Introduction	6
DELEGATIONS	7
1.1 - Power to Make Payments	7
1.2 - Tenders for Goods and Services – Calling For	8
1.4 - Financial Investments	9
1.5 - Disposal of Assets	10
1.6 - Relocation Expenses	13
1.7 - Employee Housing	14
1.8 - Engagement of Professional Services	15
1.9 - Local Laws Administration	16
1.10 - Liquor Licensing and Permits	17
1.11 - Rate Book	18
1.12 - Closure of thoroughfares to vehicles	19
1.13 - Native Title	20
1.14 - Impounding Goods – Authorised Employee	21
1.15 - Offences – Bush Fires Act	22
1.17 - Dog Act 1976	23
1.18 - Gates on Road Reserves	24
1.19 - Notices and Orders - Health Act 1911 and Public Health Act 2016	25
1.20 - Advertising - Development Applications	26
1.21 - Traffic Regulatory Signs	27
1.22 - Events on Roads	28
1.23 - Restricted Access Vehicles (RAV)	29
1.24 - Additional Powers Exercised When Notices Given Requiring Certain Things to be Done by Owners or Occupiers of Land.....	30
1.25 - Lodgement of Caveats	31
1.26 - Reserves Under Control of The Local Government	32
1.27 - Thoroughfares: Notification to Affected Owners	33
1.29 - Powers of Entry onto Land	34
1.30 - Execution of Leases, Licence Agreements and Contracts	35
1.33 - Registration of Dogs	36
1.34 - Planning Compliance	38
1.35 - Authorised Officers	39
1.36 - Purchasing Authority	41
1.37 - Specific Provisions Under Local Planning Scheme No. 4	43
1.38 - Common Seal	45
1.39 - Authorised Officer – Food Act 2008	46

1.40 - Variations to Firebreak Order 47

1.41 - Building Matters – Permits, Certificates & Orders 48

1.42 - Building Matters – Building Authorisations 50

1.43 - Building Matters – Fines, Penalties & Enforcement 51

1.44 - Employment Committee 52

1.45 - Issue of Corporate Credit Cards 53

1.47 - Appointed/Designated Officers 54

1.48 - Graffiti Vandalism Act 2013 56

1.49 - Behaviour Complaints Committee 57

1.50 - Amendment to Prohibited and Restricted Burning Periods – Bush Fires Act 58

1.51 - Write Off of Rates and Sundry Debts 59

1.52 - Appointment of Acting CEO 60

1.53 - Issuing of Permits to Burn – Bush Fires Act 61

1.54 - Audit and Risk Committee 62

AMENDMENTS 63

INTRODUCTION

Introduction

Local Government Act, 1995 states on matters of Delegation:

5.42. Delegation of some powers and duties to Chief Executive Officer

1. A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.
* Absolute majority required.
2. A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- a. any power or duty that requires a decision of an absolute majority of the council;
- 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;
- h. the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- i. any power or duty that requires the approval of the Minister or the Governor;
- j. such other powers or duties as may be prescribed.

5.44. CEO may delegate powers and duties to other employees

1. A 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 this Act other than this power of delegation.
2. A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

5.45. Other matters relevant to delegations under this Division

Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —

- a. a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
- b. any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
Nothing in this Division is to be read as preventing —
 - (a) a local government from performing any of its functions by acting through a person other than the CEO; or
 - (b) a CEO from performing any of his or her functions by acting through another person.

5.46. Register of, and records relevant to, delegations to CEO and employees

1. The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
2. At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
3. A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

3.24. Authorising persons under this Subdivision

The powers given to a local government by this Subdivision can only be exercised on behalf of the local government by a

person expressly authorised by it to exercise those powers.

Introduction

Local Government(Administration) Regulations, 1996 further states:

Reg.19 Delegates to keep certain records, Act s.5.46(3)

Where a power or duty has been delegated under the Act to the CEO or to any other local government employee, the person to whom the power or duty has been delegated is to keep a written record of —

- 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.

Local Government Act, 1995 also refers to an employee with delegated authority to expend funds on behalf of the Local Government must complete the required primary and annual return as prescribed by the following legislation.

5.75. Primary returns

1. A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day.
2. A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day.
3. This section does not apply to a person who —
 - a. has lodged a return within the previous year; or
 - b. has, within 3 months of the start day, ceased to be a relevant person.
 Penalty: \$10 000 or imprisonment for 2 years.

5.76. Annual returns

1. Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year.
2. Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year.

Penalty:\$10 000 or imprisonment for 2 years.

5.77. Acknowledging receipt of returns

On receipt of a return under section 5.75 or 5.76 from a person, the CEO or the mayor or president, as the case may be, is to give the person written acknowledgment of having received the return.

DELEGATIONS

Delegation	1.1 Power to Make Payments
Delegator	Council
Express 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
Function	Power to make payment of accounts from Council's Municipal, Bond, and Trust Funds in accordance with <i>Local Government (Financial Management) Regulations, 1996</i> ; r.12(1)(a)
Delegates	CEO
Conditions	<ul style="list-style-type: none"> a. Payments to be made by cheque and Electronic Funds Transfer (EFT). b. Monthly cheque listing as presented to Council.
Express power to subdelegate	<i>Local Government Act, 1995</i> S.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Executive Governance Officer Manager Corporate and Community Manager Infrastructure and Works Senior Finance Officer
Subdelegate conditions	Sub-delegates must comply with the Council finance policies and procedures approved in accordance Financial Management Regulation 5.
Statutory framework	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i>; s6.10 • <i>Local Government (Financial Management) Regulations, 1996</i>; r.12 and r.13.
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
Last reviewed	19 June 2025

Delegation	1.2 Tenders for Goods and Services – Calling For
Delegator	Council
Express 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
Function	Power to invite and evaluate tenders for goods and services that are adequately funded in the annual budget.
Delegates	CEO
Conditions	<p>a. This delegation extends to conformity with Section 3.57 of the <i>Local Government Act, 1995</i> and the prescribe functions under r.11; r.13; r.14; r.18 and r.20 of the <i>Local Government (Functions and General) Regulation, 1996</i>.</p> <p>b. Tenders may only be called where this is a sufficient allocation in the adopted annual budget for the proposed goods or services or where the Council has seriously entertained the draft annual budget with incorporation of the funding for the required goods or services that are deemed essential to the continuity of service delivery as part of the Shire core business.</p>
Express power to subdelegate	<i>Local Government Act, 1995</i> S.5.44 CEO may delegate some powers and duties to other employees
Statutory framework	<ul style="list-style-type: none"> • <i>Local Government Act, 1995; s.3.57</i> • <i>Local Government (Functions and General) Regulations 1996; r.11; r.13; r.14; r.18; r.20</i>
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
Last reviewed	19 June 2025

Delegation	1.4 Financial Investments
Delegator	Council
Express 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
Function	Power to invest money held in the municipal fund or trust fund that is not required at the time for any purpose.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. This delegation extends compliance with the prescribe provisions under s.614(1) of the <i>Local Government Act 1995</i> and r.19 of the <i>Local Government (Financial Management) Regulations, 1996</i> and any applicable Council Policy at the time of investment. b. All investment of funds must be with a reputable Australian Banking institution governed by the <i>Banking Act, 1959</i>. c. Investments must be spread across more than one financial institution to minimise financial risk. d. A monthly report on investments is to be presented to Council.
Express power to subdelegate	<i>Local Government Act, 1995</i> S.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Corporate and Community
Subdelegate conditions	<ol style="list-style-type: none"> a. This delegation extends compliance with the prescribe provisions under s.614(1) of the <i>Local Government Act 1995</i> and r.19 of the <i>Local Government (Financial Management) Regulations, 1996</i> and any applicable Council Policy at the time of investment. b. All investment of funds must be with a reputable Australian Banking institution governed by the <i>Banking Act, 1959</i>. c. Investments must be spread across more than one financial institution to minimise financial risk. d. A monthly report on investments is to be presented to Council.
Statutory framework	<ul style="list-style-type: none"> • <i>Local Government Act, 1995</i>; S6.14 • <i>Trustees Act, 1962</i>; Part III • <i>Local Government (Financial Management) Regulations</i>; r. 19
Policy	<ul style="list-style-type: none"> • Policy 2.19 - Financial Reserves
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the <i>Local Government (Admin) Regulations 1996</i> .
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
Last reviewed	19 June 2025

Delegation	1.5 Disposal of Assets
Delegator	Council
Express 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
Function	Power to dispose of: <ul style="list-style-type: none"> 1. Shire owned property to: <ul style="list-style-type: none"> a. The highest bidder at public auction [s. 358(2)(a)]. b. The person who at public tender called by the local government makes what is considered (by the delegate) to be the most acceptable tender, whether or not it's the highest tender [s.358(2)(b)]. 2. Property by private treaty only in accordance with section 3.58(3) and prior to disposal, to conder any submissions received following the giving of public notice [s. 3.58(3)]. Including the execution of all transfer and sale documents. 3. Heavy plant and vehicles included in the budget for disposition/trade. 4. Shire owned property by way of periodic, or fixed-term residential tenancy and leave agreements, and associated documents.
Delegates	CEO

<p>Conditions</p>	<p>a. This delegation extends to compliance with the prescribe provisions under s3.58, s5.42, s6.10 of the <i>Local Government Act 1995</i> and r.30 of the <i>Local Government (Functions and General) Regulations, 1996</i> and any applicable Council Policy at the time of disposal</p> <p>b. Disposals by private treaty performed under this delegation shall as a minimum be advertised through local media platforms (print and digital) to ensure maximum circulation.</p> <p>c. Where public auction is determined as the method of disposal. Disposal is limited to items specified in the Annual Budget, and in any other case, a Council resolution is required.</p> <p>d. In accordance with s.5.43(d), disposal of property, for any single project where not part of a project but part of a single transaction, is limited to a maximum value of \$20,000.00.</p> <p>e. Where public auction is determined as the method of disposal:</p> <ul style="list-style-type: none"> • The reserve price has been set by independent valuation. If the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price. <p>f. 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.</p> <p>g. Where a private treaty is determined [s.358(3)], as the method of disposal, authority to:</p> <ul style="list-style-type: none"> • Negotiate the sale of the property up to a -10% variance on the valuation; and • Consider any public submissions received, and determined if to proceed with the disposal, ensuring that the reasons for such a decision are recorded. <p>h. Where the market value of the property is determined as being less than \$20,000 [(F&G r30(3) excluded] disposal may be undertaken:</p> <ul style="list-style-type: none"> • Without reference to Council for resolution; and • In any case, be undertaken to ensure that the best value return is achieved, however, where the property is determined as having a nil market value, then the disposal must ensure environmentally responsible disposal. <p>i. This delegation allows for a surplus asset of less than \$300.00 to be gifted to a local community group of incorporated status, without the need to advertise the item.</p>
<p>Express power to subdelegate</p>	<p><i>Local Government Act, 1995</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
<p>Statutory framework</p>	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> s3.58, s5.42, s6.10 • <i>Local Government (Functions and General) Regulations 1996</i>, r.30 • Delegation 1.38 - Common Seal
<p>Policy</p>	<ul style="list-style-type: none"> • Policy 2.11 – Koornong Residential Estate • Policy 2.33 – Employee and Community Housing • Policy 2.37 – Lease Licence and Tenancy Agreements • Policy 2.41 – Community Engagement

Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
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Delegation	1.6 Relocation Expenses
Delegator	Council
Express 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
Function	To determine level of payment for relocation expenses for new employee appointed to a Managerial position with the Shire of Brookton.
Delegates	CEO
Conditions	<ul style="list-style-type: none"> a. Sufficient funds being available in the Salaries and Wages allocation of the municipal Budget at the time of paying expenses. b. The expenses may include a motor vehicle, kilometre rate allowance in lieu of airfares for the employee and immediate family, plus out-of-pocket expenses, meals and sundries to a value set by Council Policy.
Express power to subdelegate	<i>Local Government Act, 1995</i> S.5.44 CEO may delegate some powers and duties to other employees
Policy	<ul style="list-style-type: none"> • Policy 2.32 – Employee Remuneration
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
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Delegation	1.7 Employee Housing
Delegator	Council
Express 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
Function	Authority to allocate accommodation and make all arrangements necessary in relation to occupancy and maintenance of Employee housing as provided by Council.
Delegates	CEO
Conditions	<ul style="list-style-type: none"> a. This delegation extends to compliance with the prescribe provisions under applicable Council Policy 2.33 – Employee and Community Housing at the time of allocation. b. The employee is to enter into a formal Tenancy Agreement with responsibility placed on the employee for payment of rent and utilities, maintenance of lawn and garden areas and repair of damage not deemed general wear and tear.
Express power to subdelegate	<i>Local Government Act, 1995</i> S.5.44 CEO may delegate some powers and duties to other employees
Statutory framework	<ul style="list-style-type: none"> • <i>Residential Tenancies Act, 1987</i>
Policy	<ul style="list-style-type: none"> • Policy 2.32 – Employee Remuneration • Policy 2.33 – Employee and Community Housing • Policy 2.37 – Lease Licence and Tenancy Agreements
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
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Delegation	1.8 Engagement of Professional Services
Delegator	Council
Express 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
Function	Authority to engage appropriate professional services and obtain legal advice and representation were considered necessary in the interest of providing good governance.
Delegates	CEO
Conditions	<p>a. This delegation extends to compliance with the prescribe provisions and statements under Council Policy 1.19 – Legal Representation for Council Members and Employees, and <i>Council Policy 1.20 – Legal Advice, Proceedings and Prosecutions</i>.</p> <p>b. The engagement of all professional services must be sufficiently funded within the municipal budget.</p>
Express power to subdelegate	<i>Local Government Act, 1995</i> S.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Corporate and Community
Subdelegate conditions	<p>a. This delegation extends to compliance with the prescribe provisions and statements under Council Policy 1.19 – Legal Representation for Council Members and Employees, and <i>Council Policy 1.20 – Legal Advice, Proceedings and Prosecutions</i>.</p> <p>b. The engagement of all professional services must be sufficiently funded within the municipal budget.</p>
Policy	<ul style="list-style-type: none"> • Council Policy 1.19 – Legal Representation for Council Members and Employees • Policy 1.20 – Legal Advice, Proceedings and Prosecutions
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
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Delegation	1.9 Local Laws Administration
Delegator	Council
Express 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
Function	Power to administer provisions, determine applications received, and exercise powers, duties and functions detailed in all Shire of Brookton Local Laws as prepared and adopted under Division 2 of Part 3 of the <i>Local Government Act, 1995</i> .
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Local Government Act, 1995</i> S.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Contract Ranger Manager Corporate and Community Manager Infrastructure and Works
Subdelegate conditions	a. Authority to perform administration and enforcement functions inclusive infringement notices and fines only.
Statutory framework	<ul style="list-style-type: none"> • <i>Local Government Act, 1995</i>; Part 9; Divisions 1 and 2 • Local Government Amendment Property Local Law 2013 • Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2012 • Dogs Amendment Local Law 2012 • Cemeteries Amendment Local Law 2012 • Pest Plants Local Laws 2012 • Health Local Laws 2000 • By-law relating to the establishment, maintenance, and equipment of Bush Fire Brigades 1993
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.
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Delegation	1.10 Liquor Licensing and Permits
Delegator	Council
Express 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
Function	Power to issue: <ul style="list-style-type: none"> a. Certificates of the Local Government pursuant to s.39 of the <i>Liquor Control Act 1988</i>. b. Certificates of the Local Planning Authority pursuant to s.40 of the <i>Liquor Control Act 1988</i>. c. Consent requirements to applicants seeking approval for the consumption of alcohol for special occasions and events on Council owned or vested property in accordance with s.59 of the <i>Liquor Control Act 1988</i>.
Delegates	CEO
Conditions	a. This delegation extends to compliance with the prescribe provisions under 39, 40 and 59 of the <i>Liquor Control Act, 1988</i> and any applicable guidelines.
Express power to subdelegate	<i>Local Government Act, 1995</i> s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Manager Corporate and Community
Subdelegate conditions	a. This delegation extends to compliance with the prescribe provisions under 39, 40 and 59 of the <i>Liquor Control Act, 1988</i> and any applicable guidelines.
Statutory framework	<ul style="list-style-type: none"> • <i>Liquor Control Act, 1988</i>; s.39; s.40 and s.59.
Policy	<ul style="list-style-type: none"> • Policy 2.25 - Hall Hire
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
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Delegation	1.11 Rate Book
Delegator	Council
Express 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
Function	Power to: <ul style="list-style-type: none"> a. Determine the time allowed for payment of rates before it becomes in arrears. b. Exercise discretion to grant an extension of time to process objections to the Rate Book. c. Recover rates pursuant to the provisions of s.6.56(1) of the <i>Local Government Act, 1995</i>. d. Enter into agreement with a rate payer for the payment of rates and service charges in accordance with the provisions s.6.49 of the <i>Local Government Act, 1995</i>. e. Require a lessee to pay rent to the Council in satisfaction of rates and service charges due and payable in accordance with s.6.60(2) of the <i>Local Government Act, 1995</i>.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Local Government Act, 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Corporate and Community
Subdelegate conditions	Nil
Statutory framework	<ul style="list-style-type: none"> • <i>Local Government Act, 1995</i>; Part 6; Division 6; s.6.26 LGA Rateable land
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.
Date adopted	19 June 2025
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Delegation	1.12 Closure of thoroughfares to vehicles
Delegator	Council
Express 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
Function	Power to: <ul style="list-style-type: none"> a. Close a thoroughfare (wholly or partially/ constructed or unconstructed) to a particular class(s) of vehicle for a period not exceeding four (4) weeks in accordance with s.3.50(1) of the Local Government Act, 1995. However, before doing so: <ul style="list-style-type: none"> i. Giving public notice of the pending closure. ii. Giving written to the Commissioner of Main Roads and landowners directly affected by the closure. iii. Consider submissions to the proposed road closure in accordance with s.3.50 (1a), (2) and (4) of the Local Government Act, 1995. b. Revoke an order to close a thoroughfare in accordance with s.3.50(6) of the <i>Local Government Act, 1995</i>. c. Close a thoroughfare (wholly or partially) without public notice for repairs or maintenance where it is unlikely to have significant adverse effect on users in accordance with s.3.50(A) of the <i>Local Government Act, 1995</i>.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Local Government Act, 1995</i> s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Manager Infrastructure and Works
Subdelegate conditions	Nil
Statutory framework	<ul style="list-style-type: none"> • <i>Local Government Act, 1995</i> s.3.50 s.3.50A s.3.51 • <i>Local Government (Functions and General) Regulations 1996</i> r4, r5 and r6
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.
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Delegation	1.13 Native Title
Delegator	Council
Express 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
Function	Power to register an interest in any native title claim affecting the Shire thus ensuring the Council to have sufficient interest to become a party to the native title application.
Delegates	CEO
Conditions	Where possible discussion with Councillors should first be entertained to understand the required level of involvement in a native title application.
Express power to subdelegate	<i>Local Government Act, 1995</i> S.5.44 CEO may delegate some powers and duties to other employees
Statutory framework	<i>Native Title Act, 1999</i>
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
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Delegation	1.14 Impounding Goods – Authorised Employee
Delegator	Council
Express 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
Function	<ol style="list-style-type: none"> 1. Authority to refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding, and keeping has been paid to the Local Government [s.3.46] 2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47]. 3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Delegates	CEO
Conditions	Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value for the Local Government. Disposal process must be transparent and accountable.
Express power to subdelegate	<i>Local Government Act, 1995</i> S.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Contract Ranger Manager Infrastructure and Works Works Coordinator
Subdelegate conditions	Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value for the Local Government. Disposal process must be transparent and accountable.
Statutory framework	<i>Local Government Act, 1995</i> s.3.46 s.3.47 s.3.48
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
Last reviewed	19 June 2025

Delegation	1.15 Offences – Bush Fires Act
Delegator	Council
Express 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
Function	<ol style="list-style-type: none"> 1. To consider allegations of offences alleged to have been committed under the <i>Bush Fires Act, 1954</i> in the district of the Shire of Brookton and, if the Chief Executive Officer sees 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. 2. This delegation extends to the issue and/or withdrawal of infringement notices in accordance with the provisions of s.59A.
Delegates	CEO
Express power to subdelegate	Sub-delegation is prohibited by s.48(3)
Statutory framework	<i>Bush Fires Act, 1954</i> s.59 s.59A(2) <i>Bush Fires (Infringement) Regulations 1978</i> r.4a
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
Last reviewed	19 June 2025

Delegation	1.17 Dog Act 1976
Delegator	Council
Express power to delegate	<i>Dog Act, 1976</i> S.10AA – Delegation of local government powers and duties
Function	<ol style="list-style-type: none"> 1. All powers, duties, and functions of the local government under the <i>Dog Act, 1976</i>. 2. Authorise the CEO to further delegate powers and duties under the <i>Dog Act, 1976</i> and associated Regulations.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Dog Act, 1976</i> s.10AA(3) Delegation of local government powers and duties (NOTE subdelegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	Manager Corporate and Community
Subdelegate conditions	Manager Corporate and Community (Administration; fines and infringements only) Section 10AA(5) of the <i>Dog Act, 1976</i> does not limit the ability of the CEO to perform a function through an officer or agent.
Statutory framework	<ul style="list-style-type: none"> • <i>Dog Act, 1976</i>; s.29, s.33E and s.44 • <i>Dog Regulations 2013</i> • <i>Local Government (Miscellaneous Provisions) Act 1960</i>
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
Last reviewed	19 June 2025

Delegation	1.18 Gates on Road Reserves
Delegator	Council
Express 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
Function	To approve the erection of gates on road reserves.
Delegates	CEO
Conditions	In any circumstances considered controversial, the application is to be referred to Council. A Register of Gates with fences / gates across road reserves is required pursuant to legislation – <i>Local Government Act, 1995</i> ; Schedule 9.1, cl 5.
Express power to subdelegate	<i>Local Government Act, 1995</i> S.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Infrastructure and Works
Subdelegate conditions	An error has occurred while processing HtmlTextBox 'htmlTextBox1': The 'br' start tag on line 1 position 105 does not match the end tag of 'html'. Line 1, position 299.
Statutory framework	<i>Local Government Act, 1995</i> ; Schedule 9.1 cl.5
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
Last reviewed	19 June 2025

Delegation	1.19 Notices and Orders - Health Act 1911 and Public Health Act 2016
Delegator	Council
Express 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 <i>Public Health Act, 2016</i> S.21 Enforcement agency may delegate</p>
Function	<p>To designate a person or class of persons to exercise and discharge all the following powers and functions under the <i>Health Act, 1911</i> and <i>Public Health Act, 2016</i> as an authorised officer:</p> <ul style="list-style-type: none"> • The forming of opinions and making of declarations. • The grant and issue of licenses, permits, certificates and approvals. • The issue of notices, orders and requisitions and the carrying out and putting into effect of notices, orders and requisitions. • The ordering and authorisation of legal proceedings for breaches of the Act and all Regulations, Local Laws and Orders made there under.
Delegates	CEO
Conditions	<p>Compliance with adopted Health Local Laws</p> <ul style="list-style-type: none"> • Applicant must be advised of objections and/or appeal rights • Persons to be appointed as authorised environmental health officers must satisfy the criteria published in Government Gazette No. 22 on 24 January 2017 – Public Health Act, 2016 – Guidelines on the Designation of Authorised Officer. • A register of authorised officers is to be maintained in accordance with s.27.
Express power to subdelegate	<p><i>Local Government Act, 1995</i> S.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegates	Environmental Health & Building Officer
Subdelegate conditions	The sub-delegation does not include authorisation to instigate legal proceedings for breaches of the Act and all Regulations, Local Laws and Orders made there under.
Statutory framework	<ul style="list-style-type: none"> • <i>Health Act, 1911</i> • <i>Public Health Act, 2016</i>
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
Last reviewed	19 June 2025

Delegation	1.20 Advertising - Development Applications
Delegator	Council
Express 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
Function	To advertise development applications for public comment where required by legislation or 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.
Delegates	CEO
Conditions	Subject to the provisions of Council Policy 2.41 - Community Engagement
Express power to subdelegate	<i>Local Government Act, 1995</i> S.5.44 CEO may delegate some powers and duties to other employees
Statutory framework	<ul style="list-style-type: none"> • <i>Planning and Development (Local Planning Schemes) Regulations, 2015</i> • <i>Local Planning Scheme No. 4</i>
Policy	Council Policy 2.41 - Community Engagement
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
Last reviewed	19 June 2025

Delegation	1.21 Traffic Regulatory Signs
Delegator	Council
Express 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
Function	To install appropriate regulatory traffic signs at such places as the Chief Executive Officer considers necessary.
Delegates	CEO
Conditions	Installation of regulatory traffic signs is always subject to Main Roads WA approval.
Express power to subdelegate	<i>Local Government Act, 1995</i> S.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Infrastructure and Works
Subdelegate conditions	Installation of regulatory traffic signs is always subject to Main Roads WA approval.
Statutory framework	Main Roads WA Guideline "Traffic Signals" D09#88641
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations, 1996.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
Last reviewed	19 June 2025

Delegation	1.22 Events on Roads
Delegator	Council
Express 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
Function	To determine applications for the temporary closure of roads for the purpose of conducting events
Delegates	CEO
Conditions	The road closure request must be accompanied by a Road Traffic Management Plan prepared by a person certified to prepare such plans.
Express power to subdelegate	<i>Local Government Act, 1995</i> S.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Infrastructure and Works
Subdelegate conditions	The road closure request must be accompanied by a Road Traffic Management Plan prepared by a person certified to prepare such plans.
Statutory framework	<ul style="list-style-type: none"> • <i>Road Traffic (Events on Roads) Regulations, 1991</i> • <i>Local Government Act, 1995; S3.50</i>
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations, 1996.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
Last reviewed	19 June 2025

Delegation	1.23 Restricted Access Vehicles (RAV)
Delegator	Council
Express 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
Function	To issue Letters of Approval to RAV operators specifying which roads they may use and the conditions that apply to that use.
Delegates	CEO
Conditions	Subject to the provisions of Council Policy 4.8 - Restricted Access Vehicles.
Express power to subdelegate	<i>Local Government Act, 1995</i> S.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Infrastructure and Works
Subdelegate conditions	Subject to the provisions of Council Policy 4.8 - Restricted Access Vehicles.
Statutory framework	<ul style="list-style-type: none"> • <i>Road Traffic Act, 1974</i> • <i>Road Traffic (Vehicles) Regulations, 2014</i>
Policy	Council Policy 4.8 - Restricted Access Vehicles
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations, 1996.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
Last reviewed	19 June 2025

Delegation	1.24 Additional Powers Exercised When Notices Given Requiring Certain Things to be Done by Owners or Occupiers of Land
Delegator	Council
Express 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
Function	To give a notice in writing to a person who is the owner or, unless Schedule 3.1 indicates otherwise, the occupier of the land requiring the person to do anything specified in the notice that – <ol style="list-style-type: none"> 1. Is prescribed in Schedule 3.1, Division 1; or 2. Is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2 of the Act. 3. 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 <i>Local Government Act, 1995</i> from persons who failed to comply with the said notice
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Local Government Act, 1995</i> S.5.44 CEO may delegate some powers and duties to other employees
Statutory framework	<ul style="list-style-type: none"> • <i>Local Government Act, 1995; s.3.25(1) s.3.26(2), (3) s.3.27(1)</i> • <i>Local Government (Uniform Local Provisions) Regulations 1996</i>
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
Last reviewed	19 June 2025

Delegation	1.25 Lodgement of Caveats
Delegator	Council
Express 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
Function	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.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Local Government Act, 1995</i> S.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Corporate and Community
Subdelegate conditions	Nil
Statutory framework	<i>Local Government Act, 1995; s6.64</i>
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
Last reviewed	19 June 2025

Delegation	1.26 Reserves Under Control of The Local Government
Delegator	Council
Express 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
Function	Authority to do anything for the purpose of controlling and managing land under the control and management of the Shire that the Shire could do under s.5 of the <i>Parks and Reserves Act 1895</i> [s.3.54(1)].
Delegates	CEO
Conditions	<ul style="list-style-type: none"> • Excludes the execution of lease or licence agreements for Crown Reserve Land with a third party. All lease and licence matters are to be referred to Council for determination. • Limited to matters where the financial implications do not exceed a relevant and current budget allocation, and which do not create a financial liability in future budgets
Express power to subdelegate	<i>Local Government Act, 1995</i> S.5.44 CEO may delegate some powers and duties to other employees
Statutory framework	<ul style="list-style-type: none"> • <i>Local Government Act, 1995; s.3.54(1)</i> • <i>Parks and Reserves Act 1895; s.5</i>
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
Last reviewed	19 June 2025

Delegation	1.27 Thoroughfares: Notification to Affected Owners
Delegator	Council
Express 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
Function	To ensure the requirements of Section 3.51(3) of the <i>Local Government Act, 1995</i> are observed relating to affected landowners being notified of proposals and allowed a reasonable time to make submissions in order that such may be considered.
Delegates	CEO
Conditions	Notification where possible should be presented to landowners in writing.
Express power to subdelegate	<i>Local Government Act, 1995</i> S.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Infrastructure and Works Works Coordinator
Subdelegate conditions	Notification where possible should be presented to landowners in writing.
Statutory framework	<ul style="list-style-type: none"> • <i>Local Government Act, 1995; s.3.51(3)</i> • <i>Local Government (Functions and General) Regulations 1996</i>
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
Last reviewed	19 June 2025

Delegation	1.29 Powers of Entry onto Land
Delegator	Council
Express 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
Function	To undertake the functions and duties required under the <i>Local Government Act, 1995</i> in respect of: Section 3.39 Appointment of Authorised Persons for the purpose of removing and impounding goods that are involved in a 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 Issuance of Notices regarding collection of goods if not confiscated. Section 3.46 Withholding of goods pending payment of costs. Section 3.47 Disposal of confiscated or uncollected goods. Section 3.48 Recovery of Costs incurred in the impounding exercise.
Delegates	CEO
Conditions	Compliance with the requirements of r.29 of the <i>Local Government (Functions and General) Regulations, 1996</i> and Council Policies.
Express power to subdelegate	<i>Local Government Act, 1995</i> S.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Contract Ranger Manager Infrastructure and Works
Subdelegate conditions	Compliance with the requirements of r.29 of the <i>Local Government (Functions and General) Regulations, 1996</i> and Council Policies.
Statutory framework	<ul style="list-style-type: none"> • <i>Local Government Act, 1995; s.3.39, s.3.40, s.3.42, s.3.44, s.3.46, s.3.47, s.3.48; s.3.51 (3); Part 3; Division 3 and 4</i> • <i>Local Government (Functions and General) Regulations, 1996</i>
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the <i>Local Government (Admin) Regulations 1996</i> .
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
Last reviewed	19 June 2025

Delegation	1.30 Execution of Leases, Licence Agreements and Contracts
Delegator	Council
Express 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
Function	To execute and apply the Common Seal to new leases for properties that Council has previously resolved to lease.
Delegates	CEO
Conditions	<ul style="list-style-type: none"> • Compliance with Delegation 1.38 Common Seal. • Chief Executive Officer and Shire President jointly to sign the lease licence or contract document. • Wording for Council motions is to read as follow: <i>"That Council authorises 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."</i>
Express power to subdelegate	<i>Local Government Act, 1995</i> S.5.44 CEO may delegate some powers and duties to other employees
Statutory framework	Not Applicable
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
Last reviewed	19 June 2025

Delegation	1.33 Registration of Dogs
Delegator	Council
Express 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> <p><i>Dog Act, 1976</i> S.10AA Delegation of local government powers and duties</p>
Function	<p>To keep an accurate and up-to-date record of all registered dogs and correct any errors that may be found in the register [s.14]. The administration of the register can be exercised as an acting through arrangement.</p> <p>The following functions are performed under delegation.</p> <ul style="list-style-type: none"> • s.16(3) Refuse to register dog <p>A dog may be registered by a person appointed as a 'registration officer'. The following functions are performed under authorisation.</p> <ul style="list-style-type: none"> • s.16(2a) Register a dog • s.16(3A) Cancel a registration of a person banned from owning or keeping a dog under s.46 • s.16(3c) Cancel a registration if a dog has died • s.16(6) Provide the registration certificate
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<p><i>Local Government Act, 1995</i> S.5.44 CEO may delegate some powers and duties to other employees</p> <p><i>Dog Act, 1976</i> S.10AA(3) Delegation of local government powers and duties</p>
Subdelegates	<p>Administration Officer Executive Governance Officer Finance Creditors and Records Officer Governance Officer Manager Corporate and Community Senior Finance Officer Trainee Business Administration</p>
Subdelegate conditions	Nil
Statutory framework	<i>Dog Act, 1976; s.11, s.14, s.16(3)</i>
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.
Date adopted	19 June 2025

Adoption references	OCM 06.25-18
Last reviewed	19 June 2025

Delegation	1.34 Planning Compliance
Delegator	Council
Express 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 <i>Planning and Development (Local Planning Schemes) Regulations, 2015</i> Schedule 2 cl.82 Delegations by Local Government
Function	To enter properties and buildings at all reasonable times for the purpose of ascertaining whether the provisions of the Town Planning Scheme and conditions of Development Approvals are being complied with.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Local Government Act, 1995</i> S.5.44 CEO may delegate some powers and duties to other employees
Statutory framework	<ul style="list-style-type: none"> • <i>Planning and Development Act, 2005</i> • Town Planning Scheme No. 4 • <i>Planning and Development (Local Planning Schemes) Regulations, 2015</i>
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
Last reviewed	19 June 2025

Delegation	1.35 Authorised Officers
Delegator	Council
Express 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
Function	<p>To appoint persons or classes of persons to be authorised for the purpose of fulfilling functions of an authorised person prescribed in the following legislation inclusive of subsidiary legislation made under each Act i.e. Regulations:</p> <ol style="list-style-type: none"> a. <i>Local Government Act, 1995</i> and its subsidiary legislation, including Local Government Act Regulations, the <i>Local Government (Miscellaneous Provisions) Act, 1960</i> and Local Laws made under the Local Government Act. b. <i>Caravan Parks and Camping Grounds Act, 1995</i> c. <i>Bush Fires Act, 1954</i> d. <i>Cat Act, 2011</i> e. <i>Litter Act, 1979</i> f. <i>Public Health Act, 2016</i> g. <i>Food Act, 2008</i> h. <i>Emergency Management Act, 2005</i> i. <i>Building Act, 2011</i> j. <i>Planning and Development Act, 2005</i> k. <i>Cemeteries Act, 1986</i> l. <i>Control of Vehicles (Off-road Areas) Act, 1978</i> m. <i>Dog Act, 1976</i> n. <i>Graffiti Vandalism Act, 2016</i> – refer s.15 o. Any other legislation prescribed for the purposes of s.9.10 of the <i>Local Government Act, 1995</i>. <p>To appoint persons or classes of persons to be authorised for the purpose of fulfilling prescribed functions with the Shire’s local laws made under the <i>Local Government Act, 1995</i>.</p>
Delegates	CEO
Conditions	<ul style="list-style-type: none"> • A register of Authorised Persons is to be maintained as a Local Government Record. • Only person who are appropriately qualified and trained may be appointed as Authorised persons.
Express power to subdelegate	<i>Local Government Act, 1995</i> S.5.44 CEO may delegate some powers and duties to other employees
Statutory framework	<ul style="list-style-type: none"> • <i>Local Government Act, 1995; s.3.24</i> • <i>Various Acts and Regulations</i>
Record keeping	<p>The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.</p> <p>A record of each Authorisation is to be retained in the Authorised Persons Register. Instruments or Certificates of Authorisation are to be provided to Authorised Persons and copies of these documents are to be retained in records management system</p>
Date adopted	19 June 2025
Adoption references	OCM 06.25-18

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Delegation	1.36 Purchasing Authority
Delegator	Council
Express 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
Function	Complete purchasing authority across all Budget lines (in accordance with Council's Policies and the tender threshold of \$249,999 (GST Exclusive).
Delegates	CEO
Conditions	Provision made for purchase in the Council's Budget. Compliance with Council Policy including but not limited to; <ul style="list-style-type: none"> • 2.20 Purchasing.
Express power to subdelegate	<i>Local Government Act, 1995</i> S.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Building Maintenance Officer Community Emergency Services Manager Community Resource Coordinator Executive Governance Officer Governance Officer Manager Corporate and Community Manager Infrastructure and Works Manager Projects Town Infrastructure Coordinator Works Coordinator
Subdelegate conditions	Complete purchasing authority across all Budget lines up to the following limits: <ul style="list-style-type: none"> • Manager Corporate and Community \$49,999 • Manager Infrastructure and Works \$49,999 • Manager Projects \$49,999 • Works Coordinator \$ 5,000 • Town Infrastructure Coordinator \$ 5,000 • Building Maintenance Officer \$ 5,000 • Executive Governance Officer \$ 3,000 • Governance Officer \$ 3,000 • CRC Coordinator \$ 3,000 • Community Emergency Service Manager \$ 1,500 <p>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'.</p>
Statutory framework	<ul style="list-style-type: none"> • <i>Local Government Act, 1995</i>
Policy	<ul style="list-style-type: none"> • Council Procurement Policy 2.36

Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.
Date adopted	19 June 2025
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Delegation	1.37 Specific Provisions Under Local Planning Scheme No. 4
Delegator	Council
Express 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> <p><i>Planning and Development (Local Planning Schemes) Regulations, 2015</i> Schedule 2 cl.82 Delegations by Local Government</p>
Function	<p>The authority to:</p> <ul style="list-style-type: none"> • 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 local planning matters. • Sign strata titles in accordance with the Strata Titles Act WA, 2020. • Determine and approve all Development Applications classified as a “P” and “D” use under the Shire of Brookton’s Local Planning Scheme No. 4 - Zoning Table. • Determine and approve Grouped Dwelling Development Applications that comply with the Residential Design Codes (2021) and Local Planning Scheme No. 4. • Determine and approve Single Dwelling Development Applications that comply with Local Planning Scheme No. 4, on Commercial, Residential, Rural Residential, Rural Small Holdings, Rural Enterprise and Rural zoned land. □ Determine and approve Development Applications in Avon River South Flood Plain areas that comply with the Residential Design Codes (2021) and Local Planning Scheme No. 4. • Determine and approve Outbuilding Development Applications that comply with the Residential Design Codes (2021), the Shire of Brookton’s Outbuilding Policy and Local Planning Scheme No. 4. • Determine and approve Development Applications that contain minor variations to Local Planning Scheme No. 4 or the Residential Design Codes (2021). • Issue certificates of compliance for the Residential Design Codes (2021); • 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. • 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 in accordance with Local Planning Scheme, No. 4. • Determine and approve Home Based Occupation Permits.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<p><i>Local Government Act, 1995</i> S.5.44 CEO may delegate some powers and duties to other employees</p> <p><i>Planning and Development (Local Planning Schemes) Regulations, 2015</i> Schedule 2 cl.83 Delegations by Local Government</p>
Statutory framework	<ul style="list-style-type: none"> • <i>Local Government Act 1995 s5.44</i> • <i>Planning and Development Act 2005</i> • <i>Town Planning Scheme No. 4</i> • <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> • <i>Residential Design Codes 2015</i>

Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
Last reviewed	19 June 2025

Delegation	1.38 Common Seal
Delegator	Council
Express 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
Function	To affix the common seal to documents and execute formal documents that accord with a Council resolution.
Delegates	CEO
Conditions	<ul style="list-style-type: none"> • Use of the seal to be recorded in the Council's Seal Register. • The following wording must be used for Council motions in relation to affixing the Common Seal: <i>"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."</i>
Express power to subdelegate	<i>Local Government Act, 1995</i> S.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	Nil
Statutory framework	<i>Local Government Amendment Act, 2009; S9.49A, S9.49B</i>
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
Last reviewed	19 June 2025

Delegation	1.39 Authorised Officer – Food Act 2008
Delegator	Council
Express 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> <p><i>Food Act, 2008</i> S.122 Appointment of authorised officers S.126(13) Appointment of designated officers</p>
Function	<p>To exercise and discharge all or any of the powers or functions of the local government pursuant to the <i>Public Health Act, 2016</i> and in regard to the following sections of the <i>Food Act, 2008</i>:</p> <ul style="list-style-type: none"> • 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). <p>To exercise and discharge all or any of the powers and functions of the local government pursuant to the <i>Public Health Act, 2016</i> and in regard to the following sections of the <i>Food Act, 2008</i>:</p> <ul style="list-style-type: none"> • 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.
Delegates	CEO
Express power to subdelegate	<i>Nil – Food Regulations, 2009 do not provide for sub-delegation.</i>
Statutory framework	<ul style="list-style-type: none"> • <i>Food Act, 2008</i>; S.122, S.123, S.126
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
Last reviewed	19 June 2025

Delegation	1.40 Variations to Firebreak Order
Delegator	Council
Express 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> <p>Bush Fires Act 1954: S.48 Delegation by Local Government</p>
Function	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
Delegates	CEO
Conditions	The Chief Executive Officer has the right to grant, refuse, alter or add any conditions to any application
Express power to subdelegate	<p><i>Local Government Act, 1995</i> S.5.44 CEO may delegate some powers and duties to other employees</p>
Statutory framework	<ul style="list-style-type: none"> • <i>Bush Fires Act, 1951; s.48</i> • <i>Bush Fires Regulations, 1954</i>
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
Last reviewed	19 June 2025

Delegation	1.41 Building Matters – Permits, Certificates & Orders
Delegator	Council
Express 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> <p><i>Building Act, 2011</i> S.127(1) and (3) Delegation: special permit authorities and Local Governments</p>
Function	<p>To perform the duties and functions of the <i>Building Act 2011</i> pertaining to buildings and associated incidental structures:</p> <ul style="list-style-type: none"> • 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
Delegates	CEO
Conditions	Compliance with Building Regulations 2012 and the Building Code of Australia, and other relevant Local Laws and Policies.
Express power to subdelegate	<p><i>Local Government Act, 1995</i> S.5.44 CEO may delegate some powers and duties to other employees</p> <p><i>Building Act, 2011</i> S.127(6A) Delegation: special permit authorities and Local Governments (powers of sub-delegation limited to CEO)</p>
Subdelegates	Environmental Health & Building Officer
Subdelegate conditions	Compliance with Building Regulations 2012 and the Building Code of Australia, and other relevant Local Laws and Policies.
Statutory framework	<ul style="list-style-type: none"> • <i>Building Act, 2011; s.18, s.20, s.21, s.22, s.27(1)</i> • <i>Building Regulations, 2012; r.23, r.24, r26</i> • <i>Building Services (Registration Act), 2011</i> • <i>Building Code of Australia</i> • <i>Local Planning Scheme No. 4</i>
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18

Last reviewed	19 June 2025
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Delegation	1.42 Building Matters – Building Authorisations
Delegator	Council
Express 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> <p><i>Building Act, 2011</i> S.127(1) and (3) Delegation: special permit authorities and Local Governments</p>
Function	<p>To execute action in respect of compliance matters pertaining to buildings and associated incidental structures:</p> <ul style="list-style-type: none"> • 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
Delegates	CEO
Conditions	Compliance with Building Regulations 2012, the Building Code of Australia, and other relevant Local Laws and Council Policy.
Express power to subdelegate	<p><i>Local Government Act, 1995</i> S.5.44 CEO may delegate some powers and duties to other employees</p> <p><i>Building Act, 2011</i> S.127(6A) Delegation: special permit authorities and Local Governments (powers of sub-delegation limited to CEO)</p>
Subdelegates	Environmental Health & Building Officer
Subdelegate conditions	Compliance with Building Regulations 2012, the Building Code of Australia, and other relevant Local Laws and Council Policy.
Statutory framework	<ul style="list-style-type: none"> • <i>Building Act, 2011 Part 8</i> • <i>Town Planning Scheme No. 4</i> • <i>Building Code of Australia</i> • <i>Building Regulations, 2012</i>
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations, 1996.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
Last reviewed	19 June 2025

Delegation	1.43 Building Matters – Fines, Penalties & Enforcement
Delegator	Council
Express 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> <p><i>Building Act, 2011</i> Section 96 – Authorised Persons S.127(1) and (3) Delegation: special permit authorities and Local Governments</p>
Function	To appoint an authorised person for the purposes of this Act <i>Building Act, 2011</i> to prepare, sign and serve notices in relation to fines, penalties, and enforcement.
Delegates	CEO
Conditions	Compliance with Building Regulations 2012, the Building Code of Australia, and other relevant Local Laws and Policies.
Express power to subdelegate	<p><i>Local Government Act, 1995</i> S.5.44 CEO may delegate some powers and duties to other employees</p> <p><i>Building Act, 2011</i> S.127(6A) Delegation: special permit authorities and Local Governments (powers of sub-delegation limited to CEO)</p>
Subdelegates	Environmental Health & Building Officer
Subdelegate conditions	Compliance with Building Regulations 2012, the Building Code of Australia, and other relevant Local Laws and Policies.
Statutory framework	<ul style="list-style-type: none"> • <i>Building Act, 2011 Part 8</i> • <i>Town Planning Scheme No. 4</i> • <i>Building Code of Australia</i> • <i>Building Regulations, 2012</i>
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
Last reviewed	19 June 2025

Delegation	1.44 Employment Committee
Delegator	Council
Express power to delegate	<i>Local Government Act, 1995</i> S.5.16 Delegation of some powers or duties to certain committees S.5.17 Limits on delegation of powers and duties to certain committees S.5.38 Annual review of certain employees' performances
Function	To conduct the performance review and salary package review and amend the Chief Executive Officer's salary package.
Delegates	Employment Committee
Conditions	Compliance with the terms of the contract, the Salaries and Allowances Tribunal CEO Determinations and to be conducted annually prior to anniversary and April / May for the Budget Meeting. Subject to the provisions of Council Policy including but limited to: <ul style="list-style-type: none"> • 1.12 CEO Performance and Salary Review • 1.13 Council Committees – Terms of Reference
Express power to subdelegate	Nil
Statutory framework	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> s.5.16, s.5.17 and s.5.38
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
Last reviewed	19 June 2025

Delegation	1.45 Issue of Corporate Credit Cards
Delegator	Council
Express 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
Function	To issue corporate credit cards to senior employees and CESM to a maximum collective credit limit of \$21,500.
Delegates	CEO
Conditions	Subject to the provisions of Council Policy including: <ul style="list-style-type: none"> • Policy 2.18 - Use of Corporate Credit Cards • Policy 2.36 - Procurement
Express power to subdelegate	<i>Local Government Act, 1995</i> S.5.44 CEO may delegate some powers and duties to other employees
Policy	<ul style="list-style-type: none"> • Policy 2.18 - Use of Corporate Credit Cards
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
Last reviewed	19 June 2025

Delegation	1.47 Appointed/Designated Officers
Delegator	Council
Express 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
Function	<p>The persons in the following positions 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:</p> <p>Rules of Conduct Complaints Officer The Chief Executive Officer is designated as Council'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. <i>Local Government Act, 1995</i> (Section 5.120 (1) (2)).</p> <p>Public Interests Disclosure Officer The Chief Executive Officer has designated the Manager Corporate and Community 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. <i>Public Interest Disclosure Act, 2003</i> (Section 23 (1) (a)).</p> <p>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 Manager Corporate and Community as the Council's Freedom of Information Coordinator, for receiving, investigating, registering and reporting Freedom of Information requests. <i>Freedom of Information Act, 1992</i> (Section 100 (1)).</p> <p>Freedom of Information Internal Review Officer The Chief Executive Officer is designated as the Local Government's Internal Review Officer. <i>Freedom of Information Act, 1992</i> (Section 41).</p> <p>Equal Employment Opportunity (EEO) Officer The Chief Executive Officer designates the Manager Corporate and Community 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. <i>Equal Opportunity Act, 1984</i> (Section 145).</p> <p>Litter Officers All members of the Council and all employees of the local government are authorised officers. <i>Litter Act, 1979</i> (Sections 26, 27, 27A and 30).</p> <p>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 persons in the following positions of the Shire of Brookton are authorised to receive a pledge of commitment:</p> <ul style="list-style-type: none"> • President of the Shire • Deputy President of the Shire • Chief Executive Officer of the Shire
Delegates	CEO
Conditions	Nil

Express power to subdelegate	<i>Local Government Act, 1995</i> S.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Corporate and Community
Statutory framework	<ul style="list-style-type: none"> • <i>Local Government Act, 1995; s.5.120(1)(2)</i> • <i>Public Interest Disclosure Act, 2003; s.23(1)(a)</i> • <i>Freedom of Information Act, 1992; s.41</i> • <i>Equal Opportunity Act, 1984; s.145</i> • <i>Litter Act, 1979; s.26, s.27, s.27A, s.30</i> • <i>Australian Citizenship Act, 2007</i>
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
Last reviewed	19 June 2025

Delegation	1.48 Graffiti Vandalism Act 2013
Delegator	Council
Express 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
Function	To discharge all of the Shire of Brookton and Council's duties under section 16 of <i>Graffiti Vandalism Act, 2013</i> . The right to utilise, and modify as necessary, Forms 4 and 6 in Schedule 1 to the <i>Local Government (Functions and General) Regulations 1996</i> .
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Local Government Act, 1995</i> S.5.44 CEO may delegate some powers and duties to other employees
Statutory framework	<ul style="list-style-type: none"> • <i>Graffiti Vandalism Act 2013</i> • <i>Local Government (Functions and General) Regulations 1996</i>
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the <i>Local Government (Admin) Regulations 1996</i> .
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
Last reviewed	19 June 2025

Delegation	1.49 Behaviour Complaints Committee
Delegator	Council
Express power to delegate	<i>Local Government Act, 1995</i> S.5.16 Delegation of some powers or duties to certain committees
Function	<ol style="list-style-type: none"> 1. Authority to make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur – Members Code of Conduct (MCC_ - [MCC.cl.12(1) and (3)]. In making any finding the Committee must also determine reasons for the finding [MCC.cl.12(7)]. 2. Where a finding is made that a breach has occurred, authority to: <ol style="list-style-type: none"> a. take no further action [MCC.cl.12(4(a)); or b. prepare and implement a plan to address the behaviour of the person to whom the complaint relates [MCC.cl.12(4)(b), (5) and (6)]. 3. Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal [MCC.cl.13(1) and (2)].
Delegates	Behaviour Complaints Committee
Conditions	<ul style="list-style-type: none"> • The Committee will make decisions in accordance with the principles and specified requirements established in Council Policy 1.26 Code of Conduct Behaviour Complaints Management. • That part of a committee meeting which deals with a Complaint will be held behind closed doors in accordance with s.5.23(2)(b) of the <i>Local Government Act, 1995</i>. • The Committee is prohibited from exercising this Delegation where a Committee Member in attendance at a committee meeting is either the Complainant or Respondent to the Complaint subject of a committee agenda item. • In the event of (c) above, the Committee may resolve to defer consideration to a future meeting at which the conflicted Committee Member is absent, and a Deputy Committee Member is in attendance.
Express power to subdelegate	Nil
Statutory framework	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i>; S. 5.10(1), • Local Government (Model Code of Conduct) Regulations 2021; cl.15(2) • Shire of Brookton Code of Conduct for Council Members, Committee Members and Candidates
Policy	Shire of Brookton Council Policy 1.26 - Code of Conduct Behaviour Complaints Management
Record keeping	Committee Minutes shall record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
Last reviewed	19 June 2025

Delegation	1.50 Amendment to Prohibited and Restricted Burning Periods – Bush Fires Act
Delegator	Council
Express 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
Function	To vary the: <ol style="list-style-type: none"> 1. Prohibited burning times; or 2. Restricted burning times; in Shire of Brookton by shortening, extending, suspending, or reimposing a period of prohibited burning times; or imposing a further period of prohibited burning times.
Delegates	CEO
Conditions	The Chief Executive Officer will only exercise this delegation after consultation with Council's Chief Bushfire Control Officer.
Express power to subdelegate	<i>Sub-delegation is prohibited by s.48(3)</i>
Statutory framework	<ul style="list-style-type: none"> • Bush Fires Act, 1954 s.17 • Bush Fires Act, 1954 s.18
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
Last reviewed	19 June 2025

Delegation	1.51 Write Off of Rates and Sundry Debts
Delegator	Council
Express 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
Function	The authority to write off debts in the following manner: <ol style="list-style-type: none"> 1. Where a Sundry Debtor invoice has: <ol style="list-style-type: none"> a. a value of less than \$500; b. has been outstanding for at least 90 days; and c. in the Chief Executive Officer's opinion, will not be economically practical to pursue debt recovery of that invoice. 2. Where a Sundry Debtor invoice, less than \$500 in value, has been raised in error, the Chief Executive Officer may authorise that that invoice be written off. 3. Where a Rates Debtor account has a balance of less than \$10 the Chief Executive Officer may authorise that that amount be written off. 4. Where a Rates Debtor charge of an amount of less than \$500 was raised in error, the Chief Executive Officer may approve that that charge be written off.
Delegates	CEO
Express power to subdelegate	<i>Local Government Act, 1995</i> S.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Corporate and Community
Subdelegate conditions	Nil
Policy	<ul style="list-style-type: none"> • Policy 2.21 – Financial Hardship • Policy 2.37 – Lease Licence and Tenancy Agreements; r.20 • Policy 2.46 – Recovery of Rates and Service Charges Policy
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the authority.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
Last reviewed	19 June 2025

Delegation	1.52 Appointment of Acting CEO
Delegator	Council
Express 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
Function	To appoint either the Manager Corporate and Community or the Manager Infrastructure and Works to be Acting Chief Executive Officer during the absence of the Chief Executive Officer
Delegates	CEO
Conditions	<ul style="list-style-type: none"> • In the event that the Chief Executive Officer cannot delegate the appointment of the Acting Chief Executive Officer position, Council will authorise the appointment. • Any appointment by the Chief Executive Officer of an Acting Chief Executive Officer cannot be for a period greater than four weeks. • Council is to be provided with prior notice whenever possible or notice as soon as practicable after any appointment is made.
Express power to subdelegate	Nil
Policy	<ul style="list-style-type: none"> • Council Policy 1.18 Appointing Acting or TEMPORARY CEO
Record keeping	The delegate must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
Last reviewed	19 June 2025

Delegation	1.53 Issuing of Permits to Burn – Bush Fires Act
Delegator	Council
Express 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 <i>Bush Fires Act, 1954</i> S.48 Delegation by local governments
Function	To issue Permits to Burn under Regulation 15 of the Bush Fire Regulations 1954 and Section 18 of the <i>Bush Fires Act 1954</i> .
Delegates	CEO
Conditions	Permits to Burn to be exercised on properties within the townsite of Brookton
Express power to subdelegate	<i>Sub-delegation is prohibited by S.48 Delegation by local governments</i>
Statutory framework	<ul style="list-style-type: none"> • Bush Fires Regulations, 1954 R.15 • <i>Bush Fires Act, 1954 s.18</i>
Record keeping	The delegate (or sub-delegate) must keep a written record of the exercise the power or discharge the duty including the persons or classes of persons directly affected and ensure all evidentiary documents accord with Regulation 19 of the Local Government (Admin) Regulations 1996.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
Last reviewed	19 June 2025

Delegation	1.54 Audit and Risk Committee
Delegator	Council
Express power to delegate	<p><i>Local Government Act, 1995</i></p> <ul style="list-style-type: none"> • s.5.16 Delegation of some powers and duties to certain committees • s.7.1B Delegation of some powers and duties to audit committees • s.7.12A(2), (3) & (4) Duties of Local Government with respect to audits
Express power or duty delegated	<p><i>Local Government Act, 1995</i></p> <ul style="list-style-type: none"> • s.5.16 Delegation of some powers and duties to certain committees • s.7.1B Delegation of some powers and duties to audit committees • s.7.12A(2), (3) & (4) Duties of Local Government with respect to audits
Function	<ol style="list-style-type: none"> 1. Authority to meet with the Shire's Auditor at least once every year on behalf of the Council [s.7.12A(2)]. 2. Authority to: <ol style="list-style-type: none"> a) examine the report of the Auditor and determine matters that require action to be taken by the Shire of Brookton; and b) ensure that appropriate action is taken in respect of those matters [s.7.12A(3)]. 3. Authority to review and endorse the Shire of Brookton's report on any actions taken in response to an Auditor's report, prior to it being forwarded to the Minister [s.7.12A(4)].
Delegates	CEO
Conditions	This delegation is not to be used where a Management Letter or Audit Report raises significant issues. In that instance the Local Government's meeting with the Auditor must be directed to the Council.
Express power to subdelegate	<i>Sub-delegation is prohibited by s.7.1B.</i>
Subdelegate conditions	Nil.
Statutory framework	<ul style="list-style-type: none"> • Department of Local Government, Sport and Cultural Industries Operational Guideline No. 09 - The appointment, function and responsibilities of Audit Committees • Audit and Risk Committee Terms of Reference
Policy	1.11 Audit and Risk Committee
Record keeping	Committee Minutes shall record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19.
Date adopted	19 June 2025
Adoption references	OCM 06.25-18
Last reviewed	19 June 2025

AMENDMENTS

Delegation Register Review 19 June 2025 Ordinary Meeting of Council

There are no amendments to display